



General Assembly

Substitute Bill No. 5574

February Session, 2002

AN ACT REPEALING CERTAIN OBSOLETE SECTIONS AND PROVISIONS OF THE GENERAL STATUTES.

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1 Section 1. Section 1-1e of the general statutes, as amended by section
2 1 of public act 01-163, is repealed and the following is substituted in
3 lieu thereof (*Effective October 1, 2002*):

4 Nothing in sections 1-1d, 3-94b to 3-94e, inclusive, 7-6, 7-51, as
5 amended, 7-53, as amended, 7-54, as amended, 7-172, 9-12, 10a-207, 14-
6 14, 14-36, 14-40a, 14-41, as amended, 14-44, as amended, 14-61, 14-73,
7 14-214, 14-276, 17a-1, as amended, 17a-152, 17b-75, 17b-81, 17b-223,
8 17b-748, 18-73, 18-87, 19a-512, 20-10, 20-130, 20-146, 20-188, 20-213, 20-
9 217, 20-236, 20-250, as amended, 20-252, as amended, 20-270, as
10 amended, 20-291, 20-316, 20-361, 20-590, 20-592, 26-38, [27-140g,] 29-
11 156a, as amended, 30-1, 30-45, 30-86a, 31-222, as amended, 38a-482,
12 38a-609, 38a-633, 38a-786, 45a-263, 45a-502, 45a-504, 45a-606, 45a-754,
13 46b-129, as amended, 46b-215, 52-572, 53-304, as amended, 53-330, 53a-
14 70 or 53a-87 shall impair or affect any act done, offense committed or
15 right accruing, accrued or acquired, or an obligation, liability, penalty,
16 forfeiture or punishment incurred prior to October 1, 1972, and the
17 same may be enjoyed, asserted and enforced, as fully and to the same
18 extent and in the same manner as they might under the laws existing
19 prior to said date, and all matters civil or criminal pending on said
20 date or instituted thereafter for any act done, offense committed, right

21 accruing, accrued, or acquired, or obligation, liability, penalty,
22 forfeiture, or punishment incurred prior to said date may be continued
23 or instituted under and in accordance with the provisions of the law in
24 force at the time of the commission of said act done, offense
25 committed, right accruing, accrued, or acquired, or obligation, liability,
26 penalty, forfeiture or punishment incurred.

27 Sec. 2. Subsection (a) of section 1-81 of the general statutes is
28 repealed and the following is substituted in lieu thereof (*Effective*
29 *October 1, 2002*):

30 (a) The commission shall:

31 (1) Compile and maintain an index of all reports, advisory opinions,
32 memoranda filed under the provisions of subsection (f) of section 1-82a
33 and statements filed by and with the commission to facilitate public
34 access to such reports and statements as provided by this part;

35 (2) Preserve advisory opinions permanently; preserve memoranda
36 filed under subsection (f) of section 1-82a, and statements and reports
37 filed by and with the commission for a period of five years from the
38 date of receipt;

39 (3) Upon the concurring vote of four of its members, issue advisory
40 opinions with regard to the requirements of this part, upon the request
41 of any person subject to the provisions of this part, and publish such
42 advisory opinions in the Connecticut Law Journal. Advisory opinions
43 rendered by the commission, until amended or revoked, shall be
44 binding on the commission and shall be deemed to be final decisions
45 of the commission for purposes of section 1-87. Any advisory opinion
46 concerning the person who requested the opinion and who acted in
47 reliance thereon, in good faith, shall be binding upon the commission,
48 and it shall be an absolute defense in any criminal action brought
49 under the provisions of this part, that the accused acted in reliance
50 upon such advisory opinion;

51 (4) Report annually, prior to April fifteenth, to the Governor

52 summarizing the activities of the commission;

53 [(5) Not later than July 1, 1995, develop a model code of ethics for
54 officials and officers of municipalities, as defined in section 7-148, and
55 provide a copy of said model code to the chief elected official of each
56 municipality in the state;

57 (6) Not later than July 1, 1995, develop a model code of ethics for
58 officers of districts, as defined in section 7-324, and provide a copy of
59 said model code to the president of each district in the state;] and

60 [(7)] (5) Adopt regulations in accordance with chapter 54 to carry
61 out the purposes of this part.

62 Sec. 3. Section 1-96b of the general statutes is repealed and the
63 following is substituted in lieu thereof (*Effective October 1, 2002*):

64 [(a) Not later than July 1, 1998, the State Ethics Commission shall (1)
65 create a software program for the preparation of financial reports
66 required by section 1-96, and (2) prescribe specifications for other
67 software programs created by vendors for such purpose. The
68 commission shall provide training in the use of the software program
69 created by the commission.]

70 [(b) On and after January 1, 1999, each] Each registrant required to
71 file any financial reports under section 1-96 shall do so in electronic
72 form using the software created by the commission [under subsection
73 (a) of this section] for that purpose or another software program which
74 meets [the] specifications prescribed by the commission. [under said
75 subsection (a).]

76 Sec. 4. Section 2-16a of the general statutes is repealed and the
77 following is substituted in lieu thereof (*Effective October 1, 2002*):

78 [(a) No state representative or state senator whose term expires on
79 January 4, 1995, and who resigns from the General Assembly before
80 the expiration of such term shall engage in the profession of lobbyist,
81 as that term is defined in subsection (l) of section 1-91, until the

82 expiration of the term.]

83 [(b)] No state representative or state senator who is elected at the
84 1994 state election or any election thereafter shall engage in the
85 profession of lobbyist, as that term is defined in subsection (l) of
86 section 1-91, until one year after the expiration of the term for which
87 [he] such state representative or state senator was elected.

88 Sec. 5. Section 4-149 of the general statutes is repealed and the
89 following is substituted in lieu thereof (*Effective October 1, 2002*):

90 (a) The Attorney General shall review each claim delivered under
91 section 4-147. If such review discloses to the satisfaction of the
92 Attorney General that protection of the state's interest does not
93 reasonably require representation by the Attorney General before the
94 Claims Commissioner, then such representation shall be provided by
95 the state agency or department involved in the claim. In making such
96 determination, the Attorney General shall consider (1) the sum of
97 money involved; (2) the legal significance of the claim as a precedent;
98 and (3) the complexity of the legal and factual issues presented.

99 (b) The Attorney General shall notify the Claims Commissioner and
100 the agency or department involved within ninety days of receipt of a
101 claim by the Attorney General in those instances when [he] the
102 Attorney General determines that protection of the state's interest does
103 not reasonably require representation by the Attorney General before
104 the Claims Commissioner.

105 (c) When the representative for the state, which representative may
106 in appropriate cases be the Attorney General, desires to oppose a
107 claim, [he] such representative shall file with the clerk of the Office of
108 the Claims Commissioner a notice of opposition, in duplicate,
109 containing a concise statement of [his] such representative's objections.
110 The clerk shall promptly deliver a copy thereof to the claimant.

111 [(d)] The Attorney General shall review claims in which he is
112 representing the state before the Claims Commissioner on May 29,

113 1984. In those instances where he determines in accordance with
114 subsection (a) of this section that protection of the state's interest does
115 not reasonably require such representation, the Attorney General shall
116 notify the Claims Commissioner and the state agency or department
117 involved in the claim. The Attorney General shall refer such claims to
118 said state agency or department for representation of the state before
119 the Claims Commissioner.]

120 Sec. 6. Section 4-165b of the general statutes is repealed and the
121 following is substituted in lieu thereof (*Effective October 1, 2002*):

122 [(a) On and after May 3, 1976, any] Any inmate of any institution of
123 the Department of Correction or the Department of Children and
124 Families who suffers an injury which results in a fatality or in a
125 permanent handicap may file a claim against the state. Such claim shall
126 be heard and decided in accordance with the provisions of this
127 chapter.

128 [(b) All matters pending before the committee established pursuant
129 to section 18-95 of the general statutes, revision of 1958, revised to
130 1975, on May 3, 1976, shall be construed as pending with the same
131 status with the Claims Commissioner on said date.]

132 Sec. 7. Subsection (b) of section 4b-2 of the general statutes is
133 repealed and the following is substituted in lieu thereof (*Effective*
134 *October 1, 2002*):

135 (b) Consult and cooperate with professional bodies and groups
136 concerning the purposes of sections 2-90, 4b-2 to 4b-5, inclusive, 4b-23,
137 4b-24, as amended, 4b-26 [,] and 4b-27. [and 4b-32.]

138 Sec. 8. Subsection (d) of section 4b-3 of the general statutes is
139 repealed and the following is substituted in lieu thereof (*Effective*
140 *October 1, 2002*):

141 (d) Notwithstanding any other statute or special act to the contrary,
142 the Commissioner of Public Works shall be the sole person authorized

143 to represent the state in its dealings with third parties for the
144 acquisition, construction, development or leasing of real estate for
145 housing the offices or equipment of all agencies of the state or for the
146 state-owned public buildings or realty hereinafter provided for in
147 section 2-90, sections 4b-1 to 4b-5, inclusive, 4b-21, 4b-23, 4b-24, as
148 amended, 4b-26, 4b-27 [,] and 4b-30, [and 4b-32,] subsection (c) of
149 section 4b-66, as amended, sections 4b-67 to 4b-69, inclusive, 4b-71, 4b-
150 72, 10-95, as amended, 10a-72, 10a-89, 10a-90, 10a-114, 10a-130, 10a-144,
151 17b-655, 22-64, 22a-324, 26-3, 27-45, 32-1c, 32-39, as amended, 48-9, 51-
152 27d and 51-27f, except that the Joint Committee on Legislative
153 Management may represent the state in the planning and construction
154 of the Legislative Office Building and related facilities, in Hartford; the
155 board of trustees of a constituent unit of the state system of higher
156 education may represent the state in the leasing of real estate for
157 housing the offices or equipment of such constituent unit provided no
158 lease payments for such realty are made with funds generated from
159 the general revenues of the state; the Labor Commissioner may
160 represent the state in the leasing of premises required for employment
161 security operations as provided in subsection (c) of section 31-250; the
162 Commissioner of Mental Retardation may represent the state in the
163 leasing of residential property as part of the program developed
164 pursuant to subsection (b) of section 17a-218, provided such residential
165 property does not exceed two thousand five hundred square feet, for
166 the community placement of persons eligible to receive residential
167 services from the department and the Connecticut Marketing
168 Authority may represent the state in the leasing of land or markets
169 under the control of the authority, and, except for the housing of
170 offices or equipment in connection with the initial acquisition of an
171 existing state mass transit system or the leasing of land by said
172 Marketing Authority for a term of one year or more in which cases the
173 actions of the Department of Transportation and the Marketing
174 Authority shall be subject to the review and approval of the State
175 Properties Review Board. Said commissioner shall have the power to
176 establish and implement any procedures necessary for him to assume
177 his responsibilities as said sole bargaining agent for state realty

178 acquisitions and shall perform the duties necessary to carry out such
179 procedures. He may appoint, within his budget and subject to the
180 provisions of chapter 67, such personnel deemed necessary by him to
181 carry out the provisions hereof, including experts in real estate,
182 construction operations, financing, banking, contracting, architecture
183 and engineering. The Attorney General's office, at the request of the
184 commissioner, shall assist the commissioner in contract negotiations
185 regarding the purchase, lease or construction of real estate.

186 Sec. 9. Section 7-191 of the general statutes is repealed and the
187 following is substituted in lieu thereof (*Effective October 1, 2002*):

188 (a) The commission shall hold at least two public hearings on the
189 proposed charter, charter amendments or home rule ordinance
190 amendments; one prior to the beginning of any substantive work on
191 such charter, charter amendments or home rule ordinance
192 amendments, and one after the draft report to the appointing authority
193 has been completed, but not submitted, after which hearings the
194 commission may amend such report. The commission may hold such
195 other public hearings as it deems necessary.

196 (b) The commission shall submit its draft report, including the
197 proposed charter, charter amendments or home rule ordinance
198 amendments, to the clerk of the municipality, who shall transmit such
199 report to the appointing authority. The appointing authority shall hold
200 at least one public hearing on the draft report and shall hold its last
201 hearing not later than forty-five days after the submission of the draft
202 report to such clerk. Not later than fifteen days after its last hearing,
203 the appointing authority shall make recommendations to the
204 commission for such changes in the draft report as it deems desirable.

205 (c) If the appointing authority makes no recommendations for
206 changes in the draft report to the commission within such fifteen days,
207 the report of the commission shall be final and the appointing
208 authority shall act on such report. If the appointing authority makes
209 recommendations for changes in the draft report to the commission,

210 the commission shall confer with the appointing authority concerning
211 any such recommendations and may amend any provisions of the
212 proposed charter, charter amendments or home rule ordinance
213 amendments, in accordance with such recommendations, or the
214 commission may reject such recommendations. In either case the
215 commission shall make its final report to the appointing authority not
216 later than thirty days after receiving such recommendations.

217 (d) Not later than fifteen days after receiving the final report, the
218 appointing authority, by a majority vote of its entire membership, shall
219 either approve the proposed charter, charter amendments or home
220 rule ordinance amendments or reject the same or separate provisions
221 thereof. Not later than forty-five days after a vote of the appointing
222 authority to reject such matter, a petition for a referendum thereon,
223 signed by not less than ten per cent of the electors of such
224 municipality, as determined by the last-completed registry list thereof,
225 and filed and certified in accordance with the provisions of section
226 7-188, may be presented to the appointing authority. Not later than
227 thirty days after approval by the appointing authority or the
228 certification of such a petition, the proposed charter, charter
229 amendments or home rule ordinance amendments shall be published
230 in full at least once in a newspaper having a general circulation in the
231 municipality.

232 (e) The appointing authority shall, by a majority vote of its entire
233 membership, determine whether the proposed charter, charter
234 amendments or home rule ordinance amendments shall be submitted
235 to the electors for approval or rejection at a regular election or at a
236 special election warned and held for that purpose, which shall be held
237 not later than fifteen months after either the approval by the
238 appointing authority or the certification of a petition for a referendum.

239 (f) The proposed charter, charter amendments or home rule
240 ordinance amendments shall be prepared for the ballot by the
241 appointing authority and may be submitted in the form of one or
242 several questions; and, if approved by a majority of the electors of the

243 municipality voting thereon at a regular election or if approved by a
244 majority which number equals at least fifteen per cent of the electors of
245 the municipality as determined by the last-completed active registry
246 list of such municipality at a special election, such proposed charter,
247 charter amendments or home rule ordinance amendments shall
248 become effective thirty days after such approval unless an effective
249 date or dates are specified therein, in which event the date or dates
250 specified shall prevail.

251 [(g) Every proposed charter, amendment or amendments or home
252 rule ordinance or amendment or repeal of a home rule ordinance
253 approved at any regular or special election held on or after November
254 5, 1974, and prior to July 1, 1975, shall be deemed to have been
255 effective as of the date of such approval, unless another effective date
256 or dates were specified therein; provided any actions taken by a
257 municipality or any administrative agency or official thereof, under the
258 provisions of its charter or home rule ordinance in effect immediately
259 prior to the date of such approval, between the date of such approval
260 and July 1, 1975, shall be deemed valid.]

261 [(h)] (g) Not later than thirty days after the approval by the electors
262 of any proposed charter, charter amendments or home rule ordinance
263 amendments, the town or city clerk shall file, with the Secretary of the
264 State, (1) three certified copies thereof, with the effective date or dates
265 indicated thereon, and (2) in the case of the approval of charter or
266 home rule ordinance amendments, three certified copies of the
267 complete charter or ordinance incorporating such amendments. The
268 Secretary of the State shall distribute two copies to the State Library,
269 where a file of such charters, charter amendments and home rule
270 ordinance amendments shall be kept for public inspection.

271 Sec. 10. Section 7-294d of the general statutes, as amended by
272 section 13 of public act 01-195, is repealed and the following is
273 substituted in lieu thereof (*Effective October 1, 2002*):

274 (a) The Police Officer Standards and Training Council shall have the

275 following powers:

276 (1) To develop and periodically update and revise a comprehensive
277 municipal police training plan;

278 (2) To approve, or revoke the approval of, any police training school
279 and to issue certification to such schools and to revoke such
280 certification;

281 (3) To set the minimum courses of study and attendance required
282 and the equipment and facilities to be required of approved police
283 training schools;

284 (4) To set the minimum qualifications for law enforcement
285 instructors and to issue appropriate certification to such instructors;

286 (5) To require that all probationary candidates receive the hours of
287 basic training deemed necessary before being eligible for certification,
288 such basic training to be completed within one year following the
289 appointment as a probationary candidate, unless the candidate is
290 granted additional time to complete such basic training by the council;

291 (6) To require the registration of probationary candidates with the
292 academy within ten days of hiring for the purpose of scheduling
293 training;

294 (7) To issue appropriate certification to police officers who have
295 satisfactorily completed minimum basic training programs;

296 (8) To require that each police officer satisfactorily complete at least
297 forty hours of certified review training every three years in order to
298 maintain certification, unless the officer is granted additional time not
299 to exceed one year to complete such training by the council;

300 (9) To renew the certification of those police officers who have
301 satisfactorily completed review training programs;

302 (10) To establish uniform minimum educational and training

303 standards for employment as a police officer in full-time positions,
304 temporary or probationary positions and part-time or voluntary
305 positions;

306 (11) To visit and inspect police basic training schools and to inspect
307 each school at least once each year;

308 (12) To consult with and cooperate with universities, colleges and
309 institutes for the development of specialized courses of study for
310 police officers in police science and police administration;

311 (13) To consult with and cooperate with departments and agencies
312 of this state and other states and the federal government concerned
313 with police training;

314 (14) To employ an executive director and any other personnel that
315 may be necessary in the performance of its functions;

316 (15) To perform any other acts that may be necessary and
317 appropriate to carry out the functions of the council as set forth in
318 sections 7-294a to 7-294e, inclusive, as amended;

319 (16) To accept contributions, grants, gifts, donations, services or
320 other financial assistance from any governmental unit, public agency
321 or the private sector;

322 (17) To conduct any inspection and evaluation that may be
323 necessary to determine if a law enforcement unit is complying with the
324 provisions of this section;

325 (18) At the request and expense of any law enforcement unit, to
326 conduct general or specific management surveys;

327 (19) To develop objective and uniform criteria for granting any
328 waiver of regulations or procedures established by the council;

329 (20) To recruit, select and appoint candidates to the position of
330 probationary candidate, as defined in section 7-294a, and provide

331 recruit training for candidates of the Connecticut Police Corps
332 program in accordance with the Police Corps Act, 42 USC 14091 et
333 seq., as amended from time to time.

334 (b) No person may be employed as a police officer by any law
335 enforcement unit for a period exceeding one year unless [he] such
336 person has been certified under the provisions of subsection (a) of this
337 section or has been granted an extension by the council. No person
338 may serve as a police officer during any period when [his] such
339 person's certification has been cancelled or revoked pursuant to the
340 provisions of subsection (c) of this section. In addition to the
341 requirements of this subsection, the council may establish other
342 qualifications for the employment of police officers and require
343 evidence of fulfillment of these qualifications. The certification of any
344 police officer who is not employed by a law enforcement unit for a
345 period of time in excess of two years, unless such officer is on leave of
346 absence, shall be considered lapsed. Upon reemployment as a police
347 officer, such officer shall apply for recertification in a manner provided
348 by the council. The council shall certify any applicant who presents
349 evidence of satisfactory completion of a program or course of
350 instruction in another state equivalent in content and quality to that
351 required in this state, provided [he] the applicant passes an
352 examination or evaluation as required by the council.

353 (c) (1) The council may refuse to renew any certificate if the holder
354 fails to meet the requirements for renewal of [his] the holder's
355 certification.

356 (2) The council may cancel or revoke any certificate if: (A) The
357 certificate was issued by administrative error, (B) the certificate was
358 obtained through misrepresentation or fraud, (C) the holder falsified
359 any document in order to obtain or renew any certificate, (D) the
360 holder has been convicted of a felony, (E) the holder has been found
361 not guilty of a felony by reason of mental disease or defect pursuant to
362 section 53a-13, (F) the holder has been convicted of a violation of
363 subsection (c) of section 21a-279 or section 29-9, (G) the holder has

364 been refused issuance of a certificate or similar authorization or has
365 had [his] the holder's certificate or other authorization cancelled or
366 revoked by another jurisdiction on grounds which would authorize
367 cancellation or revocation under the provisions of this subdivision, or
368 (H) the holder has been found by a law enforcement unit, pursuant to
369 procedures established by such unit, to have used a firearm in an
370 improper manner which resulted in the death or serious physical
371 injury of another person. Whenever the council believes there is a
372 reasonable basis for cancellation or revocation of the certification of a
373 police officer, police training school or law enforcement instructor, it
374 shall give an adequate opportunity for a hearing prior to such
375 cancellation or revocation. Any police officer or law enforcement
376 instructor whose certification is cancelled or revoked pursuant to this
377 section may reapply for certification no sooner than two years after the
378 date on which the cancellation or revocation order becomes final. Any
379 police training school whose certification is cancelled or revoked
380 pursuant to this section may reapply for certification at any time after
381 the date on which such order becomes final.

382 [(d) Notwithstanding the provisions of subsection (b), any police
383 officer, except a probationary candidate, who is serving under full-
384 time appointment on July 1, 1982, shall be deemed to have met all
385 certification requirements and shall be automatically certified by the
386 council in accordance with the provisions of subsection (a) of section 7-
387 294e.]

388 [(e)] (d) The provisions of this section shall apply to any person who
389 performs police functions. As used in this subsection, "performs police
390 functions" for a person who is not a police officer, as defined in section
391 7-294a, means that in the course of [his] such person's official duties,
392 such person carries a firearm and exercises arrest powers pursuant to
393 section 54-1f, as amended, or engages in the prevention, detection or
394 investigation of crime, as defined in section 53a-24. The council shall
395 establish criteria by which the certification process required by this
396 section shall apply to police officers.

397 ~~[(f)]~~ (e) The provisions of this section shall not apply to (1) any state
398 police training school or program, (2) any sworn member of the
399 Division of State Police within the Department of Public Safety, (3)
400 Connecticut National Guard security personnel, when acting within
401 the scope of their national guard duties, who have satisfactorily
402 completed a program of police training conducted by the United States
403 Army or Air Force, (4) employees of the Judicial Department, (5)
404 municipal animal control officers appointed pursuant to section 22-
405 331, or (6) fire police appointed pursuant to section 7-313a. The
406 provisions of this section with respect to renewal of certification upon
407 satisfactory completion of review training programs shall not apply to
408 any chief inspector or inspector in the Division of Criminal Justice who
409 has satisfactorily completed a program of police training conducted by
410 the division.

411 Sec. 11. Section 7-439c of the general statutes is repealed and the
412 following is substituted in lieu thereof (*Effective October 1, 2002*):

413 The liability for the increase in benefits provided by sections 7-439b
414 to ~~[7-439e]~~ 7-439d, inclusive, as amended by this act, for retirement
415 allowances based on service rendered before July 1, 1979, shall be
416 discharged by extending the period required for the annual
417 amortization payments being made by the municipality under section
418 7-441 before July 1, 1977, until the date when the total past service
419 liability shall be discharged. Such date shall not be subject to the limits
420 provided in subsection (a) of section 7-441. The proportion of
421 contributions paid to the Retirement Commission monthly under the
422 terms of subsection (b) of said section shall, effective July 1, 1979,
423 include the cost of applying the adjustments of sections 7-439b to ~~[7-~~
424 ~~439e]~~ 7-439d, inclusive, as amended by this act, to retirement
425 allowances credited for service rendered after July 1, 1979.

426 Sec. 12. Section 7-439d of the general statutes is repealed and the
427 following is substituted in lieu thereof (*Effective October 1, 2002*):

428 The limitation of the maximum retirement allowance provided in

429 subsection (a) of section 7-436 shall not be applicable to increases
430 under sections 7-439b to ~~[7-439e]~~ 7-439d, inclusive.

431 Sec. 13. Subdivision (4) of subsection (a) of section 7-536 of the
432 general statutes, as amended by section 2 of public act 01-197, is
433 repealed and the following is substituted in lieu thereof (*Effective*
434 *October 1, 2002*):

435 (4) "Local capital improvement project" means a municipal capital
436 expenditure project for any of the following purposes: (A) Road
437 construction, renovation, repair or resurfacing, (B) sidewalk and
438 pavement improvements, (C) construction, renovation, enlargement or
439 repair of sewage treatment plants and sanitary or storm, water or
440 sewer lines, including separation of lines, (D) public building
441 construction other than schools, including renovation, repair, code
442 compliance, energy conservation and fire safety projects, (E)
443 construction, renovation, enlargement or repair of dams, bridges and
444 flood control projects, (F) construction, renovation, enlargement or
445 repair of water treatment or filtration plants and water mains, (G)
446 construction, renovation or enlargement of solid waste facilities, (H)
447 improvements to public parks, (I) the preparation and revision of local
448 capital improvement plans projected for a period of not less than five
449 years and so prepared as to show the general description, need and
450 estimated cost of each individual capital improvement, (J)
451 improvements to emergency communications systems, (K) public
452 housing projects, including renovations and improvements and energy
453 conservation and the development of additional housing, (L)
454 renovations to or construction of veterans' memorial monuments, [(M)
455 improvements to information technology systems to manage the
456 century date change effect, as defined in section 4d-16, (N)] (M)
457 thermal imaging systems, [(O)] (N) bulky waste and landfill projects,
458 and [(P)] (O) the preparation and revision of municipal plans of
459 conservation and development adopted pursuant to section 8-23, as
460 amended, provided such plans are endorsed by the legislative body of
461 the municipality not more than one hundred eighty days after
462 adoption by the commission. "Local capital improvement project"

means only capital expenditures and includes repairs incident to reconstruction and renovation but does not include ordinary repairs and maintenance of an ongoing nature;

Sec. 14. Subsection (a) of section 8-37qq of the general statutes is repealed and the following is substituted in lieu thereof (*Effective October 1, 2002*):

(a) For the purposes of this section and sections 8-44a, 8-70, 8-78, 8-80, 8-114a, 8-117b, 8-119a, 8-119b, 8-119h, 8-119i, 8-119ee, 8-119hh, 8-119ii, 8-119jj, 8-169w, 8-214g, 8-216b, 8-218b, 8-219b, 8-387, 8-405, 8-410, 8-415, 8-420, 16a-40b, 16a-40j, and sections 8-430 to 8-438, inclusive, the following terms shall have the following meanings:

(1) "Bond-financed state housing program" means any program administered by the Commissioner of Economic and Community Development which provides financial assistance for housing acquisition, development, rehabilitation or support services, and which may be financed in whole or in part from the proceeds of the state's general obligation bonds, including: Acquisition of surplus land pursuant to section 8-37y, housing authority programs for social and supplementary services, project rehabilitation and improvement and energy conservation pursuant to section 8-44a, moderate rental housing pursuant to section 8-70, moderate cost housing pursuant to section 8-82, [flood relief housing pursuant to section 8-97,] housing for elderly persons pursuant to section 8-114a, congregate housing for the elderly pursuant to section 8-119h, housing for low income persons pursuant to section 8-119dd, financial assistance for redevelopment or urban renewal projects pursuant to section 8-154a, housing and community development pursuant to sections 8-169l and 8-216b, urban homesteading pursuant to subsection (a) of section 8-169w, community housing land bank and land trust program pursuant to section 8-214d, financial assistance for development of limited equity cooperatives and mutual housing pursuant to section 8-214f, community housing development corporations pursuant to sections 8-218 and 8-218a, financial assistance to elderly homeowners for

496 emergency repairs or rehabilitation pursuant to section 8-219b,
497 financial assistance for removal of lead-based paint and asbestos
498 pursuant to section 8-219e, home ownership loans pursuant to
499 subsection (a) of section 8-286, housing programs for homeless persons
500 pursuant to sections 8-356 and 8-357, grants to municipalities for
501 financing low and moderate income rental housing pursuant to section
502 8-365, housing infrastructure grants and loans pursuant to section 8-
503 387, private rental investment mortgage and equity program pursuant
504 to sections 8-401 and 8-403, assistance for housing predevelopment
505 costs pursuant to sections 8-410 and 8-411, residential subsurface
506 sewage disposal system repair program pursuant to sections 8-415 and
507 8-420, energy conservation loans pursuant to section 16a-40b, rent
508 receivership pursuant to section 47a-56j, construction, acquisition and
509 related rehabilitation pursuant to section 8-433 and, any other such
510 program now, heretofore or hereafter existing, and any additions or
511 amendments to such programs.

512 (2) "Administrative expense" means any administrative or other cost
513 or expense incurred by the state in carrying out the provisions of any
514 of the following bond-financed state housing programs, including the
515 hiring of necessary employees and the entering of necessary contracts:
516 Housing authority programs for social and supplementary services,
517 project rehabilitation and improvement, and energy conservation
518 pursuant to section 8-44a, moderate rental housing pursuant to section
519 8-70, moderate cost housing pursuant to section 8-82, [flood relief
520 housing pursuant to section 8-97,] housing for elderly persons
521 pursuant to section 8-114a, congregate housing for the elderly
522 pursuant to section 8-119h, housing for low-income persons pursuant
523 to section 8-119dd, urban homesteading pursuant to subsection (a) of
524 section 8-169w, financial assistance for development of limited equity
525 cooperatives and mutual housing pursuant to section 8-214f, financial
526 assistance to elderly homeowners for emergency repairs or
527 rehabilitation pursuant to section 8-219b, home ownership loans
528 pursuant to subsection (a) of section 8-286, housing programs for
529 homeless persons pursuant to sections 8-356 and 8-357, private rental

530 investment mortgage and equity program pursuant to sections 8-401
531 and 8-403, assistance for housing predevelopment costs pursuant to
532 sections 8-410 and 8-411, residential subsurface sewage disposal
533 system repair pursuant to section 8-415 and section 8-420, energy
534 conservation loans pursuant to section 16a-40b, and construction,
535 acquisition and related rehabilitation pursuant to section 8-433.

536 (3) "State service fee" means any fee or charge assessed or collected
537 by the state for the purpose of paying for any administrative expense,
538 pursuant to subsections (f) and (g) of section 8-44a with respect to
539 housing authority programs for social and supplementary services,
540 project rehabilitation and improvement, and energy conservation,
541 subsection (c) of section 8-70 and section 8-72 with respect to moderate
542 rental housing, subsection (b) of section 8-114a and subsection (a) of
543 section 8-115a with respect to housing for elderly persons, section 8-
544 119h and subsection (a) of section 8-115a with respect to congregate
545 housing for the elderly, section 8-119jj and section 8-72 with respect to
546 housing for low income persons, subsection (c) of section 8-218b with
547 respect to community housing development corporations, subsection
548 (b) of section 8-219b with respect to financial assistance to elderly
549 homeowners for emergency repairs and rehabilitation, and subsection
550 (a) of section 8-405 with respect to the private rental mortgage and
551 equity program.

552 Sec. 15. Section 8-265o of the general statutes is repealed and the
553 following is substituted in lieu thereof (*Effective October 1, 2002*):

554 As used in this section and sections 8-265p to [8-265v] 8-265u,
555 inclusive, as amended by this act:

556 (1) "Authority" means the Connecticut Housing Finance Authority
557 as created under section 8-244;

558 (2) "Mortgage" means a mortgage deed or other instrument which
559 constitutes a first or second consensual lien on one, two or three-family
560 owner-occupied residential real property, including single-family units
561 in a common interest community, located in this state;

562 (3) "Mortgagee" means mortgage lenders authorized to originate
563 mortgage loans in this state; and

564 (4) "Mortgagor" means the owner-occupant of one, two or three-
565 family residential real property located in this state who is also the
566 borrower under a mortgage encumbering such real property.

567 Sec. 16. Section 8-265p of the general statutes is repealed and the
568 following is substituted in lieu thereof (*Effective October 1, 2002*):

569 The authority shall establish, within the resources allocated by the
570 State Bond Commission to the Department of Economic and
571 Community Development for the purposes of sections 8-265o to [8-
572 265v] 8-265u, inclusive, as amended by this act, a residential mortgage
573 guarantee program. The purpose of the program shall be to enable
574 residential mortgagors to obtain mortgage credit, otherwise
575 unavailable, for the refinancing of existing mortgages. The authority
576 shall implement the program in a manner designed to facilitate the
577 qualifications of the loans guaranteed under the program for sale to
578 one or more secondary mortgage markets for such loans. The authority
579 shall compute the amount of guarantees authorized for the purposes of
580 sections 8-265o to [8-265v] 8-265u, inclusive, as amended by this act, on
581 the basis of not more than ten times the resources allocated by the State
582 Bond Commission to the Department of Economic and Community
583 Development for such purposes, including fees received pursuant to
584 section 8-265t, as amended by this act.

585 Sec. 17. Subsection (a) of section 8-265q of the general statutes is
586 repealed and the following is substituted in lieu thereof (*Effective*
587 *October 1, 2002*):

588 (a) Mortgage loan guarantees issued by the authority under the
589 provisions of sections 8-265o to [8-265v] 8-265u, inclusive, as amended
590 by this act, shall be in the form of a guarantee from the authority to an
591 approved mortgagee. Mortgagees may participate in the program by
592 entering into a mortgage guarantee agreement with the authority.
593 Mortgagees participating in the program shall process and underwrite

594 loan guarantees in accordance with the provisions of sections 8-265o to
595 [8-265v] 8-265u, inclusive, as amended by this act, and written
596 procedures adopted thereunder and in accordance with the terms of
597 the mortgage guarantee agreement. No loan guarantee shall be issued
598 after June 30, 1995.

599 Sec. 18. Section 8-265r of the general statutes is repealed and the
600 following is substituted in lieu thereof (*Effective October 1, 2002*):

601 No loan shall be eligible for a guarantee under the program
602 established pursuant to sections 8-265o to [8-265v] 8-265u, inclusive, as
603 amended by this act, unless the authority determines that (1) the loan
604 to be guaranteed is a refinancing of existing debt secured by one or
605 more mortgages and is in an amount not exceeding the amount
606 necessary to retire the current balance of existing loans secured by first
607 and second mortgage liens, plus reasonable customary fees and
608 expenses incurred in connection with the refinancing transaction,
609 including the origination fee paid to the authority pursuant to section
610 8-265t, as amended by this act (2) the mortgagor and the terms of the
611 loan being guaranteed would be approved by the originating lender
612 on terms, conditions and underwriting standards generally applicable
613 for such loans, except that the current appraised value of the real
614 property securing the proposed refinancing does not satisfy the loan to
615 value ratio requirements of the mortgagee, and (3) the terms and
616 conditions of the loan are acceptable to the authority.

617 Sec. 19. Section 8-265s of the general statutes is repealed and the
618 following is substituted in lieu thereof (*Effective October 1, 2002*):

619 (a) The maximum amount of any guarantee issued by the authority
620 under the provisions of sections 8-265o to [8-265v] 8-265u, inclusive, as
621 amended by this act, shall be in an amount equal to the difference
622 between eighty per cent of the appraised value of the real property
623 securing the loan and the amount of the new loan, provided the
624 maximum amount of any guarantee shall not exceed the difference
625 between eighty per cent of the appraised value of the real property

626 securing the loan and one hundred twenty-five per cent of the
627 appraised value of such real property.

628 (b) The guarantee shall secure the mortgagee up to the amount of
629 the guarantee for any loss incurred by the mortgagee because of
630 default of the mortgagor, including losses in principal balance, interest
631 and fees and expenses due to foreclosure.

632 (c) The authority shall maintain a record of payments made to honor
633 loan guarantees issued under the provisions of sections 8-265o to [8-
634 265v] 8-265u, inclusive, as amended by this act. The authority shall
635 notify the State Treasurer when the cumulative total of such payments
636 equals or exceeds two million dollars. Such notice shall include the
637 total amount of payments made and an estimate of the date that the
638 resources available for the purpose of sections 8-265o to [8-265v] 8-
639 265u, inclusive, as amended by this act, will be depleted. When the
640 amounts expended to honor loan guarantees exceed four million
641 dollars, the authority immediately shall cease to issue loan guarantees
642 and shall notify the State Treasurer of the total amount of payments
643 made and that it has ceased issuing loan guarantees. When all funds
644 available for the purposes of sections 8-265o to [8-265v] 8-265u,
645 inclusive, as amended by this act, are expended, the State Treasurer
646 shall advance such funds from the General Fund as needed to honor
647 outstanding guarantees as they become due and payable, provided
648 such amount shall not exceed five million dollars. Such funds shall be
649 deemed appropriated for such purposes.

650 Sec. 20. Section 8-265t of the general statutes is repealed and the
651 following is substituted in lieu thereof (*Effective October 1, 2002*):

652 The mortgagor, in consideration of the guarantee from the authority
653 to the mortgagee, shall pay at the time of the closing of the loan being
654 guaranteed an amount equal to two per cent of the amount of the
655 guarantee. Such payment may be included in the amount borrowed in
656 the refinancing transaction which is the subject of the guarantee. The
657 mortgagor shall also pay to the authority an annual premium of one-

658 half of one per cent of the amount of the guarantee. The premium shall
659 be charged annually and paid monthly to the authority. Fees paid
660 pursuant to this section shall be used for the purposes of sections 8-
661 265o to [8-265v] 8-265u, inclusive, as amended by this act.

662 Sec. 21. Subsection (b) of section 8-265w of the general statutes is
663 repealed and the following is substituted in lieu thereof (*Effective*
664 *October 1, 2002*):

665 (b) The proceeds of the sale of said bonds, to the extent of the
666 amount stated in subsection (a) of this section, shall be used by the
667 Department of Economic and Community Development for the
668 purpose of (1) a grant to the Connecticut Housing Finance Authority
669 for the purposes of sections 8-265o to [8-265v] 8-265u, inclusive, as
670 amended by this act, and (2) for loans or deferred loans by the
671 Department of Economic and Community Development pursuant to
672 sections 8-283 to 8-289, inclusive. Any proceeds authorized or allocated
673 by the commission for loans or deferred loans pursuant to sections 8-
674 283 to 8-289, inclusive, shall not be deemed to be authorized, allocated
675 or available for the purposes of sections 8-265o to [8-265v] 8-265u,
676 inclusive, as amended by this act.

677 Sec. 22. Section 9-453u of the general statutes is repealed and the
678 following is substituted in lieu thereof (*Effective October 1, 2002*):

679 (a) An application to reserve a party designation with the Secretary
680 of the State and to form a party designation committee may be made at
681 any time after November 3, 1981, by filing in the office of the secretary
682 a written statement signed by at least twenty-five electors who desire
683 to be members of such committee.

684 (b) The statement shall include the offices for which candidates may
685 petition for nomination under the party designation to be reserved but
686 shall not include an office if no elector who has signed the application
687 is entitled to vote at an election for such office.

688 (c) The statement shall include the party designation to be reserved

689 which (1) shall consist of not more than three words and not more than
690 twenty-five letters; (2) shall not incorporate the name of any major
691 party; (3) shall not incorporate the name of any minor party which is
692 entitled to nominate candidates for any office which will appear on the
693 same ballot with any office included in the statement; (4) shall not be
694 the same as any party designation for which a reservation with the
695 secretary is currently in effect for any office included in the statement;
696 and (5) shall not be the word "none", or incorporate the words
697 "unaffiliated" or "unenrolled" or any similarly antonymous form of the
698 words "affiliated" or "enrolled".

699 (d) The statement shall include the names of two persons who are
700 authorized by the party designation committee to execute and file with
701 the secretary statements of endorsement required by section 9-453o
702 and certificates of nomination as required by section 9-460.

703 (e) The secretary shall examine the statement, and if it complies with
704 the requirements of this section, the secretary shall reserve the party
705 designation for the offices included in the statement and record such
706 reservation in the office of the secretary. [Except as provided in
707 subsection (f) of this section, the] The reservation shall continue in
708 effect from the date it is recorded until the day following any regular
709 election at which no candidate appears on the appropriate ballot for
710 that office under that party designation.

711 [(f) If the secretary, before June 24, 1987, has reserved a party
712 designation which (1) is in effect on such date and (2) is prohibited by
713 subdivision (5) of subsection (c) of this section, such reservation shall
714 be cancelled and the secretary shall notify the affected party. The
715 affected party designation committee shall continue in effect with the
716 same rights which it had pursuant to such reservation prior to such
717 cancellation if the committee, not later than January 1, 1988, files with
718 the secretary a certificate changing such former designation to one
719 permitted under subsection (c) of this section. Such certificate shall be
720 signed by the persons authorized by such party designation committee
721 pursuant to the provisions of subsection (d) of this section. If, before

722 June 24, 1987, a political party or organization qualified for minor
723 party status for an office under a party designation which was
724 reserved pursuant to the provisions of this section but which on and
725 after such date is prohibited by subdivision (5) of subsection (c) of this
726 section, such minor party status shall be cancelled, notwithstanding
727 the provisions of subdivision (6) of section 9-372, unless the party
728 designation committee for such minor party files such a certificate of
729 changed party designation with the secretary not later than January 1,
730 1988. If such a committee files such a certificate, the changed name
731 shall also apply to the name of the minor party.]

732 Sec. 23. Section 10-146b of the general statutes is repealed and the
733 following is substituted in lieu thereof (*Effective October 1, 2002*):

734 [(a)] Any person who holds a provisional educator or provisional
735 teaching certificate or held such certificate within one year of
736 application for extension of such certificate and is unable to complete
737 the requirements for a professional educator certificate within the
738 period required, or any person who holds a professional educator
739 certificate or held such certificate within one year of application for
740 extension of such certificate and is unable to complete the
741 requirements for continuation of such professional educator certificate
742 within the period required may appeal to said board for an extension
743 of the applicable period for good cause and said board, if it finds a
744 hardship exists in the case of such person or if it finds an emergency
745 situation because of a shortage of certified teachers in the school
746 district where such person is employed, may extend, effective as of or
747 retroactive to the expiration date of such certificate, such applicable
748 period within which such person shall complete such requirements for
749 such time as to said board seems reasonable, provided not more than
750 one extension shall be granted to such person and, provided further,
751 the record of such person is satisfactory under the provisions of
752 sections 10-145a to 10-145d, inclusive, as amended, and this section.
753 For the purposes of section 10-151, as amended, any lapse period
754 pursuant to this section shall not constitute a break in employment for
755 such person if reemployed and shall be used for the purpose of

756 calculating continuous employment.

757 [(b) Notwithstanding any provision of the general statutes to the
758 contrary, the Commissioner of Education may waive compliance with
759 a provision of a statute or regulation which establishes standards for
760 the certification of teachers and which was revised effective July 1,
761 1989, provided the person requesting a waiver (1) submits a request for
762 such waiver to the commissioner not later than September 1, 1990, and
763 (2) can demonstrate that prior to July 1, 1989, he met the requirements
764 of the statute or regulation in effect on June 30, 1989, and that failure to
765 qualify under such requirements was due solely to the failure to make
766 a timely filing of an application or documents, that such failure to
767 make a timely filing was a result of a hardship or extenuating
768 circumstance beyond the control of such person and that he filed the
769 application and documents for the requested certification not later
770 than September 1, 1989.]

771 Sec. 24. Section 10-183l of the general statutes, as amended by
772 section 41 of public act 01-1 of the June special session, is repealed and
773 the following is substituted in lieu thereof (*Effective October 1, 2002*):

774 [(a) The management of the system shall continue to be vested in the
775 Teachers' Retirement Board, which shall consist of nine members
776 including the Insurance Commissioner, the Commissioner of Social
777 Services and the Commissioner of Education, or their designees, who
778 shall be members of the board, ex officio. On or before June 15, 1983,
779 and quadrennially thereafter, the members of such system shall elect
780 from their number, in a manner to be prescribed by said board, three
781 persons to serve as members of said board for terms of four years
782 beginning July first following such election. If a vacancy occurs in the
783 positions filled by the members of said system who are not retired,
784 said board shall elect a member of the system who is not retired to fill
785 the unexpired portion of the term. If a vacancy occurs in the position
786 filled by the retired member of said system, said board shall elect a
787 retired member of the system to fill the unexpired portion of the term.
788 The Governor shall appoint three public members to said board in

789 accordance with the provisions of section 4-9a. The members of the
790 board shall serve without compensation, but shall be reimbursed for
791 any expenditures or loss of salary or wages which they incur through
792 service on the board.]

793 [(b)] (a) On and after July 1, 1991, the management of the system
794 shall continue to be vested in the Teachers' Retirement Board, which
795 shall consist of twelve members including the Commissioner of Social
796 Services and the Commissioner of Education, or their designees, who
797 shall be members of the board, ex officio. On or before June 15, 1985,
798 and quadrennially thereafter, the members of such system shall elect
799 from their number, in a manner prescribed by said board, two persons
800 to serve as members of said board for terms of four years beginning
801 July first following such election. Both of such persons shall be active
802 teachers who shall be nominated by the members of the system who
803 are not retired and elected by all the members of the system. On or
804 before July 1, 1991, and quadrennially thereafter, the members of such
805 system shall elect from their number, in a manner prescribed by said
806 board, three persons to serve as members of said board for terms of
807 four years beginning July first following such election. Two of such
808 persons shall be retired teachers who shall be nominated by the retired
809 members of the system and elected by all the members of the system
810 and one shall be an active teacher who shall be nominated by the
811 members of the system who are not retired and elected by all the
812 members of the system. If a vacancy occurs in the positions filled by
813 the members of said system who are not retired, said board shall elect
814 a member of the system who is not retired to fill the unexpired portion
815 of the term. If a vacancy occurs in the positions filled by the retired
816 members of said system, said board shall elect a retired member of the
817 system to fill the unexpired portion of the term. The Governor shall
818 appoint five public members to said board in accordance with the
819 provisions of section 4-9a. The members of the board shall serve
820 without compensation, but shall be reimbursed for any expenditures
821 or loss of salary or wages which they incur through service on the
822 board. All decisions of the board shall require the approval of six

823 members of the board or a majority of the members who are present,
824 whichever is greater.

825 [(c)] (b) In carrying out its duties, the board may employ a secretary
826 and such clerical and other assistance as may be necessary. Their
827 salaries shall be paid by said board with the approval of the Secretary
828 of the Office of Policy and Management. Said board shall employ the
829 services of one or more actuaries, each of which shall be an individual
830 or firm having on its staff a fellow of the Society of Actuaries, to carry
831 out the actuarial duties of this section and sections 10-183b, 10-183r,
832 and 10-183z and for such related purposes as the board deems
833 advisable. The cost of such services shall be charged to the funds
834 provided for in section 10-183r. Said board shall arrange for such
835 actuary to prepare an actuarial valuation of the assets and liabilities of
836 the system as of June 30, 1980, and at least once every two years
837 thereafter. On the basis of reasonable actuarial assumptions approved
838 by the board, such actuary shall determine the normal cost required to
839 meet the actuarial cost of current service and the unfunded accrued
840 liability. Commencing December 1, 2002, such valuation shall be
841 completed prior to December first biennially. Said board shall adopt all
842 needed actuarial tables and may adopt regulations and rules not
843 inconsistent with this chapter, including regulations and rules for
844 payment of purchased service credits and repayment of previously
845 withdrawn accumulated contributions. Said board shall establish such
846 funds as are necessary for the management of the system. The board
847 may enter into such contractual agreements, in accordance with
848 established procedures, as may be necessary for the discharge of its
849 duties.

850 [(d)] Notwithstanding the failure of the Teachers' Retirement Board
851 to elect, in accordance with the provisions of subsection (a) of this
852 section, on or before June 15, 1983, three persons to serve as members
853 of said board for terms of four years beginning July 1, 1983, the two
854 persons who were elected in accordance with the provisions of said
855 subsection (a) may continue to serve as members of said board
856 through June 30, 1987, and the member of the board elected under the

857 provisions of section 10-183l of the general statutes, revision of 1958,
858 revised to January 1, 1981, to serve from July 1, 1981, through June 30,
859 1985, may continue to serve as a member through June 30, 1985. Any of
860 the actions of the board taken with the participation of the member
861 elected under the provisions of section 10-183l of the general statutes,
862 revision of 1958, revised to January 1, 1981, which are otherwise valid
863 are hereby validated.]

864 Sec. 25. Section 10-257h of the general statutes is repealed and the
865 following is substituted in lieu thereof (*Effective October 1, 2002*):

866 [(a) Not later than July 18, 1986, the supervising agent of each school
867 district shall provide the executive secretary of the Teachers'
868 Retirement Board with a preliminary report for the fiscal year ending
869 June 30, 1987, which report shall provide the following data for each
870 teacher employed by such school district: (1) Social security number;
871 (2) school district code number; (3) educational preparation; (4) full-
872 time equivalent status; (5) school level; (6) primary assignment code;
873 (7) annual salary; and (8) the contract step at which the teacher is paid.
874 Such supervising agent shall certify in writing that the data supplied
875 on such report is true and accurate. Not later than August 1, 1986, the
876 executive secretary of the Teachers' Retirement Board shall transmit to
877 the Commissioner of Education a certified copy of the data collected
878 by such executive secretary pursuant to the provisions of this
879 subsection.]

880 [(b)] (a) The executive secretary of the Teachers' Retirement Board
881 shall, not later than October 1, 1987, and October first of every
882 succeeding year, transmit to the Commissioner of Education a certified
883 copy of the following data for each teacher reported by school districts
884 to the Teachers' Retirement Board on the annual school staff reports
885 due September 15, 1985, and September fifteenth of every succeeding
886 year: (1) Social security number; (2) school district code number; (3)
887 educational preparation; (4) full-time equivalent status; (5) school
888 level; (6) primary assignment code; (7) annual salary; and (8) the
889 contract step at which the teacher is paid.

890 [(c) The executive secretary of the Teachers' Retirement Board shall,
891 not later than July 1, 1986, transmit to the Commissioner of Education
892 a certified copy of the following data for each teacher reported by
893 school districts to the Teachers' Retirement Board on the annual school
894 staff reports due September 15, 1983, and September 15, 1984: (1) Social
895 security number; (2) school district code number; (3) educational
896 preparation; (4) full-time equivalent status; (5) school level; (6) primary
897 assignment code; and (7) annual salary.]

898 [(d)] (b) Notwithstanding any provision of the general statutes to
899 the contrary, regional school district #19 shall, for teachers employed
900 by such district who are not participants in the teachers' retirement
901 system pursuant to chapter 167a, furnish to the Teachers' Retirement
902 Board in the same manner and at the same time the same information
903 it furnishes to said board pursuant to subdivision (3) of subsection (a)
904 of section 10-183n for teachers who participate in the system.

905 Sec. 26. Section 13a-105 of the general statutes is repealed and the
906 following is substituted in lieu thereof (*Effective October 1, 2002*):

907 When any town has determined to construct or reconstruct any
908 highway, section of highway or bridge, which construction or
909 reconstruction is to be paid for from funds allotted to such town under
910 the provisions of sections 13a-175a to [13a-175h] 13a-175f, inclusive,
911 and the commissioner has entered into an agreement with the
912 selectmen of such town, as provided by sections 13a-175e and 13a-175f,
913 said commissioner shall call for bids and award a contract for such
914 construction or reconstruction in the manner provided by section 13a-
915 95, except that, if, in the opinion of said commissioner, it is to the best
916 interest of the state and such town, [he] the commissioner may award
917 to such town a contract for such construction or reconstruction upon
918 such terms and conditions as [he] the commissioner determines,
919 provided the estimated unit prices under any contract so awarded
920 shall not be in excess of ten per cent more than the average unit prices
921 prevailing during the preceding twelve months for similar work in the
922 state and provided such town shall have authorized the selectmen to

923 enter into such contract in the name and on behalf of such town.
924 Nothing in this section shall be construed to eliminate the use of force
925 account work for the repair of town aid highways. The commissioner
926 may, subject to the approval of the selectmen or legislative body of
927 such town, enter into an agreement with a third party for additional
928 construction or reconstruction works when requested to do so by such
929 third party, provided such third party shall, immediately upon
930 certification by the commissioner, pay to the State Treasurer the full
931 cost to the state of such additional construction or reconstruction
932 works. If under such agreement such additional construction or
933 reconstruction works are carried out by such third party, they shall
934 conform with all requirements and regulations of such town and such
935 as may be prescribed by the commissioner.

936 Sec. 27. Section 13a-106 of the general statutes is repealed and the
937 following is substituted in lieu thereof (*Effective October 1, 2002*):

938 When any town highway is maintained, improved, constructed or
939 reconstructed on a force account basis by expenditure of funds
940 allocated under sections 13a-175a to [13a-175h] 13a-175f, inclusive, the
941 furnishing of gravel, sand or wood posts by competitive bids under
942 section 4a-57 shall not be required when suitable material, meeting
943 Department of Transportation specifications, is available to the town at
944 a unit price acceptable to the commissioner.

945 Sec. 28. Section 13a-123f of the general statutes is repealed and the
946 following is substituted in lieu thereof (*Effective October 1, 2002*):

947 (a) Any junkyard or scrap metal processing facility, lawfully in
948 existence on October 1, 1967, which is within one thousand feet of the
949 nearest edge of the right-of-way and visible from the main traveled
950 way of any highway, as herein defined, and any junkyard or scrap
951 metal processing facility, which is at any time lawfully established
952 within one thousand feet of such edge and visible from the main
953 traveled way of any highway which at any time after October 1, 1967,
954 is made a part of the interstate or primary system, shall be screened, if

feasible, by the Commissioner of Transportation at locations within the highway right-of-way or in areas acquired for such purposes outside the right-of-way so as not to be visible from the main traveled way of such highways.

(b) When the commissioner determines that the topography of the land adjoining the highway will not permit adequate screening of such junkyards or scrap metal processing facilities, or the screening of such junkyards or scrap metal processing facilities would not be economically feasible, the commissioner may acquire by gift, purchase, exchange or condemnation such interests in lands on which the junkyard or scrap metal processing facility is located as may be necessary to secure the removal or disposal of the junkyards or scrap metal processing facilities, and pay for the costs of removal or disposal thereof. When the commissioner determines that it is in the best interest of the state, he may acquire by purchase, gift, exchange or condemnation such lands, or interests in lands, of the junkyard owner or scrap metal processing facility owner as may be necessary to provide adequate screening of such junkyards or scrap metal processing facilities, and he may purchase land or interests in land from owners other than the junkyard owner or scrap metal processing facility owner for the purpose of providing adequate screening of such junkyards or scrap metal processing facilities.

[(c) Notwithstanding any provision of sections 13a-123c to 13a-123j, inclusive, or regulation promulgated pursuant thereto, any junkyard or scrap metal processing facility in existence on October 22, 1965, which does not conform to the requirements of said sections and which the commissioner finds as a practical matter cannot be screened shall not be required to be removed until July 1, 1970.]

Sec. 29. Subsection (b) of section 13b-268 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective October 1, 2002*):

(b) On or after October 1, 1989, no public railroad crossing at grade

987 shall be constructed unless authorized by special act of the General
 988 Assembly. The Commissioner of Transportation, upon the request of
 989 the joint standing committee on transportation or upon his own
 990 initiative, shall investigate and make recommendations concerning the
 991 creation of such a crossing. Such investigation shall include a public
 992 hearing on the creation of such a crossing. The commissioner shall
 993 provide reasonable notice to the town, city or borough where such
 994 crossing is to be located, any railroad utilizing the rail line and the
 995 party requesting the crossing and to the public through publication of
 996 notice in a newspaper having general circulation in the municipality
 997 where such crossing is to be located. Any proposed legislation for the
 998 creation of such a crossing shall be accompanied by a detailed report
 999 containing, but not limited to the following information: The date of
 1000 the public hearing, any requirements for the protection of persons
 1001 using the crossing, including but not limited to the protections
 1002 established in sections 13b-342 to [13b-347] 13b-346, inclusive, and a
 1003 recommendation concerning the party to bear the costs of construction,
 1004 installation and maintenance of such crossing.

1005 Sec. 30. Section 13b-287 of the general statutes is repealed and the
 1006 following is substituted in lieu thereof (*Effective October 1, 2002*):

1007 Whenever the Commissioner of Transportation orders a change in
 1008 the location of a highway under the provisions of section 13b-285 [or
 1009 13b-286,] and the parties ordered by the commissioner to do the work
 1010 cannot obtain the necessary land by agreement, the company, or the
 1011 town, city or borough ordered to do the work, may take the land
 1012 necessary for carrying out the orders of the commissioner.

1013 Sec. 31. Section 13b-288 of the general statutes is repealed and the
 1014 following is substituted in lieu thereof (*Effective October 1, 2002*):

1015 The provisions of sections [13b-206,] 13b-248, 13b-249, 13b-250, 13b-
 1016 253, 13b-263, 13b-265, 13b-285 [,] and 13b-289 [and 13b-368] shall be
 1017 deemed a part of the charter of every company authorized to
 1018 construct, own or operate any railroad within this state, and all powers

1019 and privileges conferred and all duties and obligations imposed upon
1020 such companies by said sections are conferred or imposed upon such
1021 companies in the same manner and to the same extent as if the
1022 provisions of said sections were parts of the charters of such
1023 companies.

1024 Sec. 32. Subsection (e) of section 16-2 of the general statutes is
1025 repealed and the following is substituted in lieu thereof (*Effective*
1026 *October 1, 2002*):

1027 [(e) (1) To insure the highest standard of public utility regulation,
1028 prior to July 1, 1997, at least three commissioners of the authority shall
1029 have training or experience in at least one of the following fields:
1030 Economics, engineering, law, accounting or finance. Prior to July 1,
1031 1997, at least two of these fields shall be represented on the authority at
1032 all times.]

1033 [(2)] (e) To insure the highest standard of public utility regulation, on
1034 and after July 1, 1997, at least three of the commissioners of the
1035 authority shall have education or training and three or more years of
1036 experience in one or more of the following fields: Economics,
1037 engineering, law, accounting, finance, utility regulation, public or
1038 government administration, consumer advocacy, business
1039 management, and environmental management. On and after July 1,
1040 1997, at least three of these fields shall be represented on the authority
1041 by individual commissioners at all times.

1042 Sec. 33. Section 16-19k of the general statutes is repealed and the
1043 following is substituted in lieu thereof (*Effective October 1, 2002*):

1044 The Department of Public Utility Control may include the costs [of a
1045 water company's residential retrofit program and] of educational
1046 materials or information on water conservation required pursuant to
1047 [section 25-32h and] section 25-32k, as amended, as operating costs for
1048 rate-making purposes upon determination by the department that
1049 such costs are reasonable. The provisions of this section shall apply to
1050 any water company required to provide or that voluntarily makes

1051 available the [residential retrofit program or] educational materials or
1052 information on water conservation.

1053 Sec. 34. Section 16-255 of the general statutes is repealed and the
1054 following is substituted in lieu thereof (*Effective October 1, 2002*):

1055 All companies, associations or corporations affected by the
1056 provisions of sections 16-248 to [16-254] 16-253, inclusive, shall, subject
1057 to the restrictions therein imposed, have all the powers and rights of
1058 construction that are or have by law been conferred upon any domestic
1059 telephone corporation by special charter or otherwise.

1060 Sec. 35. Section 17a-210a of the general statutes is repealed and the
1061 following is substituted in lieu thereof (*Effective October 1, 2002*):

1062 (a) The Commissioner of Mental Retardation shall establish an
1063 independent ombudsperson office within the Department of Mental
1064 Retardation that is responsible for receiving and making
1065 recommendations to the commissioner for resolving complaints
1066 affecting consumers under the care or supervision of the department
1067 or of any public or private agency with which the department has
1068 contracted for the provision of services.

1069 (b) The director of the ombudsperson office shall report monthly to
1070 the Council on Mental Retardation established by section 17a-270 and
1071 by December 15, 1999, and annually thereafter, to the joint standing
1072 committee of the General Assembly having cognizance of matters
1073 relating to public health.

1074 [(c) Not later than September 1, 1999, the commissioner shall
1075 convene a special selection committee for advice and
1076 recommendations in the hiring or appointment of a director for the
1077 ombudsperson office established under subsection (a) of this section.
1078 The selection committee shall include self-advocates and family
1079 members of persons with mental retardation.]

1080 Sec. 36. Subsection (g) of section 17a-248g of the general statutes is

1081 repealed and the following is substituted in lieu thereof (*Effective*
1082 *October 1, 2002*):

1083 (g) Notwithstanding any provision of title 38a relating to the
1084 permissible exclusion of payments for services under governmental
1085 programs, no such exclusion shall apply with respect to payments
1086 made pursuant to section 17a-248, sections 17a-248b to 17a-248f,
1087 inclusive, this section and sections 38a-490a and 38a-516a. Except as
1088 provided in this subsection, nothing in this section shall increase or
1089 enhance coverages provided for within an insurance contract subject to
1090 the provisions of section 10-94f, subsection (a) of section 10-94g,
1091 subsection (a) of section 17a-219b, subsection (a) of section 17a-219c, as
1092 amended, sections 17a-248, 17a-248b to 17a-248f, inclusive, this section,
1093 and sections [19a-1c,] 38a-490a and 38a-516a.

1094 Sec. 37. Subsection (a) of section 17a-450a of the general statutes is
1095 repealed and the following is substituted in lieu thereof (*Effective*
1096 *October 1, 2002*):

1097 (a) The Department of Mental Health and Addiction Services shall
1098 constitute a successor department to the Department of Mental Health.
1099 Whenever the words "Commissioner of Mental Health" are used or
1100 referred to in the following general statutes, the words "Commissioner
1101 of Mental Health and Addiction Services" shall be substituted in lieu
1102 thereof and whenever the words "Department of Mental Health" are
1103 used or referred to in the following general statutes, the words
1104 "Department of Mental Health and Addiction Services" shall be
1105 substituted in lieu thereof: 2c-2b, as amended, 4-5, 4-38c, 4-60i, 4-77a,
1106 4a-12, 4a-16, as amended, 5-142, as amended, 8-206d, 10-19, 10-71, 10-
1107 76d, as amended, 13b-38n, 17a-14, 17a-26, 17a-31, 17a-33, 17a-218, 17a-
1108 246, 17a-450, 17a-451, as amended, 17a-452, 17a-453, as amended, 17a-
1109 454, 17a-455, 17a-456, 17a-457, as amended, 17a-458, 17a-459, 17a-460,
1110 17a-463, 17a-464, 17a-465, 17a-466, 17a-467, 17a-468, 17a-470, 17a-471,
1111 17a-472, 17a-473, 17a-474, 17a-476, 17a-478, 17a-479, 17a-480, 17a-481,
1112 17a-482, 17a-483, 17a-484, 17a-498, 17a-499, 17a-502, 17a-506, 17a-510,
1113 17a-511, 17a-512, 17a-513, 17a-519, 17a-528, 17a-560, 17a-561, 17a-562,

1114 17a-565, 17a-576, 17a-581, 17a-582, 17a-675, 17b-28, 17b-222, 17b-223,
 1115 17b-225, 17b-359, 17b-420, 17b-694, 19a-82, 19a-495, as amended, 19a-
 1116 498, as amended, 19a-507a, 19a-507c, 19a-576, 19a-583, 20-14i, 20-14j,
 1117 21a-240, 21a-301, [22a-224,] 27-122a, 31-222, as amended, 38a-514, 46a-
 1118 28, 51-51o, 52-146h and 54-56d, as amended.

1119 Sec. 38. Section 17a-750 of the general statutes is repealed and the
 1120 following is substituted in lieu thereof (*Effective October 1, 2002*):

1121 As used in sections 17a-750 to [17a-754] 17a-753, inclusive:

1122 (1) "Northeastern region" means the towns of Brooklyn, Canterbury,
 1123 Eastford, Killingly, Plainfield, Pomfret, Putnam, Sterling, Thompson
 1124 and Woodstock;

1125 (2) "Human services" means services provided to persons or families
 1126 experiencing difficulty in meeting their basic human needs for (A)
 1127 physical survival, including their need for food, shelter, clothing and
 1128 maintenance of minimum income, (B) preparing for and sustaining
 1129 employment, (C) job readiness, including employment and training
 1130 programs and child care programs, (D) social support and interaction,
 1131 especially in time of personal or family crisis, (E) assistance in
 1132 addressing specific pathologies, such as health, mental health and
 1133 substance abuse, and (F) access to available appropriate services, such
 1134 as education, transportation, information and referral services and
 1135 includes remedial and preventative services targeted to low and
 1136 moderate income individuals and families, by age group or by specific
 1137 need;

1138 (3) "Negotiated investment strategy" means a mediated negotiation
 1139 process to solve problems, resolve conflicts, develop plans for joint
 1140 action and to implement those plans by involving all affected interests
 1141 and which requires (A) an implementation plan to establish coherent,
 1142 coordinated strategies to guide and target the investment of time and
 1143 resources by all public and private interests, and (B) a written
 1144 agreement that sets forth each party's roles and commitments and
 1145 provides for subsequent monitoring to assure the commitments are

1146 carried out; and

1147 (4) "State agency" means each state board, authority, commissioner,
1148 department, office, institution, council or other agency of the state,
1149 including, but not limited to, each constituent unit and each public
1150 institution of higher education.

1151 Sec. 39. Subsection (a) of section 17b-118 of the general statutes is
1152 repealed and the following is substituted in lieu thereof (*Effective*
1153 *October 1, 2002*):

1154 (a) No assistance or care shall be given under sections 17b-19, 17b-
1155 111, and 17b-116 to [17b-133] 17b-132, inclusive, as amended, to an
1156 employable person by the state or the town liable to support such
1157 person in accordance with sections 17b-111, 17b-116, as amended, and
1158 17b-134. On and after July 1, 1995, financial assistance granted under
1159 the general assistance program and state-administered general
1160 assistance, to a person who has been determined to be a transitional
1161 individual, as defined in section 17b-689, shall be limited to a twenty-
1162 four-month period of eligibility with no more than ten months of
1163 assistance in the first twelve months of eligibility and no more than six
1164 months of assistance in the second twelve months of eligibility.
1165 Persons with dependent children under eighteen years of age and
1166 transitional individuals who are not classified as such solely due to
1167 mental illness or substance abuse who are eligible for assistance under
1168 sections 17b-19, 17b-63 to 17b-65, inclusive, 17b-111, 17b-116 to 17b-
1169 138, inclusive, as amended, 17b-220 to 17b-250, inclusive, as amended,
1170 17b-256, as amended, 17b-259, as amended, 17b-263, 17b-287, 17b-340
1171 to 17b-350, inclusive, as amended, and 17b-743 to 17b-747, inclusive, as
1172 amended, shall not be subject to the durational limits on assistance
1173 established pursuant to this section. The Commissioner of Social
1174 Services shall adopt regulations, in accordance with the provisions of
1175 chapter 54, to implement the provisions of this subsection.

1176 Sec. 40. Section 17b-127 of the general statutes is repealed and the
1177 following is substituted in lieu thereof (*Effective October 1, 2002*):

1178 (a) No vendor of goods or services sold to or performed for any
1179 beneficiary of assistance under sections 17b-19, 17b-116 to [17b-133]
1180 17b-132, inclusive, as amended, 17b-259, as amended, 17b-263, 17b-689,
1181 and 17b-689b shall, with intent to defraud, present for payment any
1182 false claim for goods or services performed, or accept payment for
1183 goods or services performed, which exceeds the amounts due for
1184 goods or services performed.

1185 (b) Any person or vendor who defrauds or assists in defrauding any
1186 town as to the support of its paupers, or deceives the selectmen thereof
1187 in obtaining support for any person not entitled to the same, or is
1188 found in violation of subsection (a) of this section, shall be subject to
1189 (1) the penalties for larceny under sections 53a-122 to 53a-125b,
1190 inclusive, depending on the amount involved and (2) repayment to a
1191 town for the defrauded amount. In addition, any such person or
1192 vendor shall be subject to forfeiture of privileges of participation in the
1193 program provided under sections 17b-19, 17b-116 to [17b-133] 17b-132,
1194 inclusive, as amended, 17b-259, as amended, 17b-263, 17b-689 and 17b-
1195 689b. Any person or vendor who is convicted of violating this section
1196 shall be terminated from participation in such program, effective upon
1197 conviction. No vendor so terminated shall be readmitted to such
1198 program.

1199 (c) Any person who defrauds the town to obtain any monetary
1200 award to which [he] such person is not entitled, assists another person
1201 in so defrauding the town or with intent to defraud, or violates any
1202 other provision of sections 17b-19, 17b-63 to 17b-65, inclusive, 17b-116
1203 to 17b-138, inclusive, as amended, 17b-220 to 17b-250, inclusive, as
1204 amended, 17b-256, as amended, 17b-259, as amended, 17b-263, 17b-
1205 287, 17b-340 to 17b-350, inclusive, as amended, 17b-689, 17b-689b and
1206 17b-743 to 17b-747, inclusive, as amended, shall be subject to the
1207 penalties for larceny under sections 53a-122 and 53a-123, depending on
1208 the amount involved. Any person convicted of violating this section
1209 shall be terminated from participation in the program for a period of at
1210 least one year.

1211 Sec. 41. Subsection (c) of section 17b-266 of the general statutes is
1212 repealed and the following is substituted in lieu thereof (*Effective*
1213 *October 1, 2002*):

1214 (c) Providers of comprehensive health care services as described in
1215 subdivisions (2), (3) and (4) of subsection (b) of this section shall not be
1216 subject to the provisions of chapter 698a or, in the case of an integrated
1217 service network, sections 17b-239 to 17b-245, inclusive, as amended,
1218 17b-281, 17b-340, as amended, or 17b-342 to [17b-344] 17b-343,
1219 inclusive, as amended,. Any such provider shall be certified by the
1220 Commissioner of Social Services in accordance with criteria established
1221 by the commissioner, including, but not limited to, minimum reserve
1222 fund requirements.

1223 Sec. 42. Subsection (f) of section 17b-340 of the general statutes, as
1224 amended by section 52 of public act 01-2 of the June special session
1225 and section 95 of public act 01-9 of the June special session, is repealed
1226 and the following is substituted in lieu thereof (*Effective October 1,*
1227 *2002*):

1228 (f) For the fiscal year ending June 30, 1992, the rates paid by or for
1229 persons aided or cared for by the state or any town in this state to
1230 facilities for room, board and services specified in licensing regulations
1231 issued by the licensing agency, except intermediate care facilities for
1232 the mentally retarded and residential care homes, shall be based on the
1233 cost year ending September 30, 1989. For the fiscal years ending June
1234 30, 1993, and June 30, 1994, such rates shall be based on the cost year
1235 ending September 30, 1990. [Notwithstanding the provisions of section
1236 17b-344, such] Such rates shall be determined by the Commissioner of
1237 Social Services in accordance with this section and the regulations of
1238 Connecticut state agencies promulgated by the commissioner and in
1239 effect on April 1, 1991, except that:

1240 (1) Allowable costs shall be divided into the following five cost
1241 components: Direct costs, which shall include salaries for nursing
1242 personnel, related fringe benefits and nursing pool costs; indirect costs,

1243 which shall include professional fees, dietary expenses, housekeeping
1244 expenses, laundry expenses, supplies related to patient care, salaries
1245 for indirect care personnel and related fringe benefits; fair rent, which
1246 shall be defined in accordance with subsection (f) of section 17-311-52
1247 of the regulations of Connecticut state agencies; capital-related costs,
1248 which shall include property taxes, insurance expenses, equipment
1249 leases and equipment depreciation; and administrative and general
1250 costs, which shall include maintenance and operation of plant
1251 expenses, salaries for administrative and maintenance personnel and
1252 related fringe benefits. The commissioner may provide a rate
1253 adjustment for nonemergency transportation services required by
1254 nursing facility residents. Such adjustment shall be a fixed amount
1255 determined annually by the commissioner based upon a review of
1256 costs and other associated information. Allowable costs shall not
1257 include costs for ancillary services payable under Part B of the
1258 Medicare program.

1259 (2) Two geographic peer groupings of facilities shall be established
1260 for each level of care, as defined by the Department of Social Services
1261 for the determination of rates, for the purpose of determining
1262 allowable direct costs. One peer grouping shall be comprised of those
1263 facilities located in Fairfield County. The other peer grouping shall be
1264 comprised of facilities located in all other counties.

1265 (3) For the fiscal year ending June 30, 1992, per diem maximum
1266 allowable costs for each cost component shall be as follows: For direct
1267 costs, the maximum shall be equal to one hundred forty per cent of the
1268 median allowable cost of that peer grouping; for indirect costs, the
1269 maximum shall be equal to one hundred thirty per cent of the state-
1270 wide median allowable cost; for fair rent, the amount shall be
1271 calculated utilizing the amount approved by the Office of Health Care
1272 Access pursuant to section 19a-638; for capital-related costs, there shall
1273 be no maximum; and for administrative and general costs, the
1274 maximum shall be equal to one hundred twenty-five per cent of the
1275 state-wide median allowable cost. For the fiscal year ending June 30,
1276 1993, per diem maximum allowable costs for each cost component

1277 shall be as follows: For direct costs, the maximum shall be equal to one
1278 hundred forty per cent of the median allowable cost of that peer
1279 grouping; for indirect costs, the maximum shall be equal to one
1280 hundred twenty-five per cent of the state-wide median allowable cost;
1281 for fair rent, the amount shall be calculated utilizing the amount
1282 approved by the Office of Health Care Access pursuant to section 19a-
1283 638; for capital-related costs, there shall be no maximum; and for
1284 administrative and general costs the maximum shall be equal to one
1285 hundred fifteen per cent of the state-wide median allowable cost. For
1286 the fiscal year ending June 30, 1994, per diem maximum allowable
1287 costs for each cost component shall be as follows: For direct costs, the
1288 maximum shall be equal to one hundred thirty-five per cent of the
1289 median allowable cost of that peer grouping; for indirect costs, the
1290 maximum shall be equal to one hundred twenty per cent of the state-
1291 wide median allowable cost; for fair rent, the amount shall be
1292 calculated utilizing the amount approved by the Office of Health Care
1293 Access pursuant to section 19a-638; for capital-related costs, there shall
1294 be no maximum; and for administrative and general costs the
1295 maximum shall be equal to one hundred ten per cent of the state-wide
1296 median allowable cost. For the fiscal year ending June 30, 1995, per
1297 diem maximum allowable costs for each cost component shall be as
1298 follows: For direct costs, the maximum shall be equal to one hundred
1299 thirty-five per cent of the median allowable cost of that peer grouping;
1300 for indirect costs, the maximum shall be equal to one hundred twenty
1301 per cent of the state-wide median allowable cost; for fair rent, the
1302 amount shall be calculated utilizing the amount approved by the
1303 Office of Health Care Access pursuant to section 19a-638; for capital-
1304 related costs, there shall be no maximum; and for administrative and
1305 general costs the maximum shall be equal to one hundred five per cent
1306 of the state-wide median allowable cost. For the fiscal year ending June
1307 30, 1996, and any succeeding fiscal year, except for the fiscal years
1308 ending June 30, 2000, and June 30, 2001, for facilities with an interim
1309 rate in one or both periods, per diem maximum allowable costs for
1310 each cost component shall be as follows: For direct costs, the maximum
1311 shall be equal to one hundred thirty-five per cent of the median

allowable cost of that peer grouping; for indirect costs, the maximum shall be equal to one hundred fifteen per cent of the state-wide median allowable cost; for fair rent, the amount shall be calculated utilizing the amount approved pursuant to section 19a-638; for capital-related costs, there shall be no maximum; and for administrative and general costs the maximum shall be equal to the state-wide median allowable cost. For the fiscal years ending June 30, 2000, and June 30, 2001, for facilities with an interim rate in one or both periods, per diem maximum allowable costs for each cost component shall be as follows: For direct costs, the maximum shall be equal to one hundred forty-five per cent of the median allowable cost of that peer grouping; for indirect costs, the maximum shall be equal to one hundred twenty-five per cent of the state-wide median allowable cost; for fair rent, the amount shall be calculated utilizing the amount approved pursuant to section 19a-638; for capital-related costs, there shall be no maximum; and for administrative and general costs, the maximum shall be equal to the state-wide median allowable cost and such medians shall be based upon the same cost year used to set rates for facilities with prospective rates. Costs in excess of the maximum amounts established under this subsection shall not be recognized as allowable costs, except that the Commissioner of Social Services (A) may allow costs in excess of maximum amounts for any facility with patient days covered by Medicare, including days requiring coinsurance, in excess of twelve per cent of annual patient days which also has patient days covered by Medicaid in excess of fifty per cent of annual patient days; (B) may establish a pilot program whereby costs in excess of maximum amounts shall be allowed for beds in a nursing home which has a managed care program and is affiliated with a hospital licensed under chapter 368v; and (C) may establish rates whereby allowable costs may exceed such maximum amounts for beds approved on or after July 1, 1991, which are restricted to use by patients with acquired immune deficiency syndrome or traumatic brain injury.

(4) For the fiscal year ending June 30, 1992, (A) no facility shall receive a rate that is less than the rate it received for the rate year

1346 ending June 30, 1991; (B) no facility whose rate, if determined pursuant
 1347 to this subsection, would exceed one hundred twenty per cent of the
 1348 state-wide median rate, as determined pursuant to this subsection,
 1349 shall receive a rate which is five and one-half per cent more than the
 1350 rate it received for the rate year ending June 30, 1991; and (C) no
 1351 facility whose rate, if determined pursuant to this subsection, would be
 1352 less than one hundred twenty per cent of the state-wide median rate,
 1353 as determined pursuant to this subsection, shall receive a rate which is
 1354 six and one-half per cent more than the rate it received for the rate year
 1355 ending June 30, 1991. For the fiscal year ending June 30, 1993, no
 1356 facility shall receive a rate that is less than the rate it received for the
 1357 rate year ending June 30, 1992, or six per cent more than the rate it
 1358 received for the rate year ending June 30, 1992. For the fiscal year
 1359 ending June 30, 1994, no facility shall receive a rate that is less than the
 1360 rate it received for the rate year ending June 30, 1993, or six per cent
 1361 more than the rate it received for the rate year ending June 30, 1993.
 1362 For the fiscal year ending June 30, 1995, no facility shall receive a rate
 1363 that is more than five per cent less than the rate it received for the rate
 1364 year ending June 30, 1994, or six per cent more than the rate it received
 1365 for the rate year ending June 30, 1994. For the fiscal years ending June
 1366 30, 1996, and June 30, 1997, no facility shall receive a rate that is more
 1367 than three per cent more than the rate it received for the prior rate
 1368 year. For the fiscal year ending June 30, 1998, a facility shall receive a
 1369 rate increase that is not more than two per cent more than the rate that
 1370 the facility received in the prior year. For the fiscal year ending June
 1371 30, 1999, a facility shall receive a rate increase that is not more than
 1372 three per cent more than the rate that the facility received in the prior
 1373 year and that is not less than one per cent more than the rate that the
 1374 facility received in the prior year, exclusive of rate increases associated
 1375 with a wage, benefit and staffing enhancement rate adjustment added
 1376 for the period from April 1, 1999, to June 30, 1999, inclusive. For the
 1377 fiscal year ending June 30, 2000, each facility, except a facility with an
 1378 interim rate or replaced interim rate for the fiscal year ending June 30,
 1379 1999, and a facility having a certificate of need or other agreement
 1380 specifying rate adjustments for the fiscal year ending June 30, 2000,

1381 shall receive a rate increase equal to one per cent applied to the rate the
1382 facility received for the fiscal year ending June 30, 1999, exclusive of
1383 the facility's wage, benefit and staffing enhancement rate adjustment.
1384 For the fiscal year ending June 30, 2000, no facility with an interim rate,
1385 replaced interim rate or scheduled rate adjustment specified in a
1386 certificate of need or other agreement for the fiscal year ending June
1387 30, 2000, shall receive a rate increase that is more than one per cent
1388 more than the rate the facility received in the fiscal year ending June
1389 30, 1999. For the fiscal year ending June 30, 2001, each facility, except a
1390 facility with an interim rate or replaced interim rate for the fiscal year
1391 ending June 30, 2000, and a facility having a certificate of need or other
1392 agreement specifying rate adjustments for the fiscal year ending June
1393 30, 2001, shall receive a rate increase equal to two per cent applied to
1394 the rate the facility received for the fiscal year ending June 30, 2000,
1395 subject to verification of wage enhancement adjustments pursuant to
1396 subdivision (15) of this subsection. For the fiscal year ending June 30,
1397 2001, no facility with an interim rate, replaced interim rate or
1398 scheduled rate adjustment specified in a certificate of need or other
1399 agreement for the fiscal year ending June 30, 2001, shall receive a rate
1400 increase that is more than two per cent more than the rate the facility
1401 received for the fiscal year ending June 30, 2000. For the fiscal year
1402 ending June 30, 2002, each facility shall receive a rate that is two and
1403 one-half per cent more than the rate the facility received in the prior
1404 fiscal year. For the fiscal year ending June 30, 2003, each facility shall
1405 receive a rate that is two per cent more than the rate the facility
1406 received in the prior fiscal year. The Commissioner of Social Services
1407 shall add fair rent increases to any other rate increases established
1408 pursuant to this subdivision for a facility which has undergone a
1409 material change in circumstances related to fair rent.

1410 (5) For the purpose of determining allowable fair rent, a facility with
1411 allowable fair rent less than the twenty-fifth percentile of the state-
1412 wide allowable fair rent shall be reimbursed as having allowable fair
1413 rent equal to the twenty-fifth percentile of the state-wide allowable fair
1414 rent, provided for the fiscal years ending June 30, 1996, and June 30,

1415 1997, the reimbursement may not exceed the twenty-fifth percentile of
1416 the state-wide allowable fair rent for the fiscal year ending June 30,
1417 1995. On and after July 1, 1998, the Commissioner of Social Services
1418 may allow minimum fair rent as the basis upon which reimbursement
1419 associated with improvements to real property is added. Beginning
1420 with the fiscal year ending June 30, 1996, any facility with a rate of
1421 return on real property other than land in excess of eleven per cent
1422 shall have such allowance revised to eleven per cent. Any facility or its
1423 related realty affiliate which finances or refinances debt through bonds
1424 issued by the State of Connecticut Health and Education Facilities
1425 Authority shall report the terms and conditions of such financing or
1426 refinancing to the Commissioner of Social Services within thirty days
1427 of completing such financing or refinancing. The Commissioner of
1428 Social Services may revise the facility's fair rent component of its rate
1429 to reflect any financial benefit the facility or its related realty affiliate
1430 received as a result of such financing or refinancing, including but not
1431 limited to, reductions in the amount of debt service payments or
1432 period of debt repayment. The commissioner shall allow actual debt
1433 service costs for bonds issued by the State of Connecticut Health and
1434 Educational Facilities Authority if such costs do not exceed property
1435 costs allowed pursuant to subsection (f) of section 17-311-52 of the
1436 regulations of Connecticut state agencies, provided the commissioner
1437 may allow higher debt service costs for such bonds for good cause. For
1438 facilities which first open on or after October 1, 1992, the commissioner
1439 shall determine allowable fair rent for real property other than land
1440 based on the rate of return for the cost year in which such bonds were
1441 issued. The financial benefit resulting from a facility financing or
1442 refinancing debt through such bonds shall be shared between the state
1443 and the facility to an extent determined by the commissioner on a case-
1444 by-case basis and shall be reflected in an adjustment to the facility's
1445 allowable fair rent.

1446 (6) A facility shall receive cost efficiency adjustments for indirect
1447 costs and for administrative and general costs if such costs are below
1448 the state-wide median costs. The cost efficiency adjustments shall

1449 equal twenty-five per cent of the difference between allowable
1450 reported costs and the applicable median allowable cost established
1451 pursuant to this subdivision.

1452 (7) For the fiscal year ending June 30, 1992, allowable operating
1453 costs, excluding fair rent, shall be inflated using the Regional Data
1454 Resources Incorporated McGraw-Hill Health Care Costs: Consumer
1455 Price Index (all urban)-All Items minus one and one-half per cent. For
1456 the fiscal year ending June 30, 1993, allowable operating costs,
1457 excluding fair rent, shall be inflated using the Regional Data Resources
1458 Incorporated McGraw-Hill Health Care Costs: Consumer Price Index
1459 (all urban)-All Items minus one and three-quarters per cent. For the
1460 fiscal years ending June 30, 1994, and June 30, 1995, allowable
1461 operating costs, excluding fair rent, shall be inflated using the Regional
1462 Data Resources Incorporated McGraw-Hill Health Care Costs:
1463 Consumer Price Index (all urban)-All Items minus two per cent. For
1464 the fiscal year ending June 30, 1996, allowable operating costs,
1465 excluding fair rent, shall be inflated using the Regional Data Resources
1466 Incorporated McGraw-Hill Health Care Costs: Consumer Price Index
1467 (all urban)-All Items minus two and one-half per cent. For the fiscal
1468 year ending June 30, 1997, allowable operating costs, excluding fair
1469 rent, shall be inflated using the Regional Data Resources Incorporated
1470 McGraw-Hill Health Care Costs: Consumer Price Index (all urban)-All
1471 Items minus three and one-half per cent. For the fiscal year ending
1472 June 30, 1992, and any succeeding fiscal year, allowable fair rent shall
1473 be those reported in the annual report of long-term care facilities for
1474 the cost year ending the immediately preceding September thirtieth.
1475 The inflation index to be used pursuant to this subsection shall be
1476 computed to reflect inflation between the midpoint of the cost year
1477 through the midpoint of the rate year. The Department of Social
1478 Services shall study methods of reimbursement for fair rent and shall
1479 report its findings and recommendations to the joint standing
1480 committee of the General Assembly having cognizance of matters
1481 relating to human services on or before January 15, 1993.

1482 (8) On and after July 1, 1994, costs shall be rebased no more

1483 frequently than every two years and no less frequently than every four
1484 years, as determined by the commissioner. The commissioner shall
1485 determine whether and to what extent a change in ownership of a
1486 facility shall occasion the rebasing of the facility's costs.

1487 (9) The method of establishing rates for new facilities shall be
1488 determined by the commissioner in accordance with the provisions of
1489 this subsection.

1490 (10) Rates determined under this section shall comply with federal
1491 laws and regulations.

1492 (11) For the fiscal year ending June 30, 1992, and any succeeding
1493 fiscal year, one-half of the initial amount payable in June by the state to
1494 a facility pursuant to this subsection shall be paid to the facility in June
1495 and the balance of such amount shall be paid in July.

1496 (12) Notwithstanding the provisions of this subsection, interim rates
1497 issued for facilities on and after July 1, 1991, shall be subject to
1498 applicable fiscal year cost component limitations established pursuant
1499 to subdivision (3) of this subsection.

1500 (13) A chronic and convalescent nursing home having an ownership
1501 affiliation with and operated at the same location as a chronic disease
1502 hospital may request that the commissioner approve an exception to
1503 applicable rate-setting provisions for chronic and convalescent nursing
1504 homes and establish a rate for the fiscal years ending June 30, 1992,
1505 and June 30, 1993, in accordance with regulations in effect June 30,
1506 1991. Any such rate shall not exceed one hundred sixty-five per cent of
1507 the median rate established for chronic and convalescent nursing
1508 homes established under this section for the applicable fiscal year.

1509 (14) For the fiscal year ending June 30, 1994, and any succeeding
1510 fiscal year, for purposes of computing minimum allowable patient
1511 days, utilization of a facility's certified beds shall be determined at a
1512 minimum of ninety-five per cent of capacity, except for new facilities
1513 and facilities which are certified for additional beds which may be

1514 permitted a lower occupancy rate for the first three months of
1515 operation after the effective date of licensure.

1516 (15) The Commissioner of Social Services shall adjust facility rates
1517 from April 1, 1999, to June 30, 1999, inclusive, by a per diem amount
1518 representing each facility's allocation of funds appropriated for the
1519 purpose of wage, benefit and staffing enhancement. A facility's per
1520 diem allocation of such funding shall be computed as follows: (A) The
1521 facility's direct and indirect component salary, wage, nursing pool and
1522 allocated fringe benefit costs as filed for the 1998 cost report period
1523 deemed allowable in accordance with this section and applicable
1524 regulations without application of cost component maximums
1525 specified in subdivision (3) of this subsection shall be totalled; (B) such
1526 total shall be multiplied by the facility's Medicaid utilization based on
1527 the 1998 cost report; (C) the resulting amount for the facility shall be
1528 divided by the sum of the calculations specified in subparagraphs (A)
1529 and (B) of this subdivision for all facilities to determine the facility's
1530 percentage share of appropriated wage, benefit and staffing
1531 enhancement funding; (D) the facility's percentage share shall be
1532 multiplied by the amount of appropriated wage, benefit and staffing
1533 enhancement funding to determine the facility's allocated amount; and
1534 (E) such allocated amount shall be divided by the number of days of
1535 care paid for by Medicaid on an annual basis including days for
1536 reserved beds specified in the 1998 cost report to determine the per
1537 diem wage and benefit rate adjustment amount. The commissioner
1538 may adjust a facility's reported 1998 cost and utilization data for the
1539 purposes of determining a facility's share of wage, benefit and staffing
1540 enhancement funding when reported 1998 information is not
1541 substantially representative of estimated cost and utilization data for
1542 the fiscal year ending June 30, 2000, due to special circumstances
1543 during the 1998 cost report period including change of ownership with
1544 a part year cost filing or reductions in facility capacity due to facility
1545 renovation projects. Upon completion of the calculation of the
1546 allocation of wage, benefit and staffing enhancement funding, the
1547 commissioner shall not adjust the allocations due to revisions

1548 submitted to previously filed 1998 annual cost reports. In the event
1549 that a facility's rate for the fiscal year ending June 30, 1999, is an
1550 interim rate or the rate includes an increase adjustment due to a rate
1551 request to the commissioner or other reasons, the commissioner may
1552 reduce or withhold the per diem wage, benefit and staffing
1553 enhancement allocation computed for the facility. Any enhancement
1554 allocations not applied to facility rates shall not be reallocated to other
1555 facilities and such unallocated amounts shall be available for the costs
1556 associated with interim rates and other Medicaid expenditures. The
1557 wage, benefit and staffing enhancement per diem adjustment for the
1558 period from April 1, 1999, to June 30, 1999, inclusive, shall also be
1559 applied to rates for the fiscal years ending June 30, 2000, and June 30,
1560 2001, except that the commissioner may increase or decrease the
1561 adjustment to account for changes in facility capacity or operations.
1562 Any facility accepting a rate adjustment for wage, benefit and staffing
1563 enhancements shall apply payments made as a result of such rate
1564 adjustment for increased allowable employee wage rates and benefits
1565 and additional direct and indirect component staffing. Adjustment
1566 funding shall not be applied to wage and salary increases provided to
1567 the administrator, assistant administrator, owners or related party
1568 employees. Enhancement payments may be applied to increases in
1569 costs associated with staffing purchased from staffing agencies
1570 provided such costs are deemed necessary and reasonable by the
1571 commissioner. The commissioner shall compare expenditures for
1572 wages, benefits and staffing for the 1998 cost report period to such
1573 expenditures in the 1999, 2000 and 2001 cost report periods to verify
1574 whether a facility has applied additional payments to specified
1575 enhancements. In the event that the commissioner determines that a
1576 facility did not apply additional payments to specified enhancements,
1577 the commissioner shall recover such amounts from the facility through
1578 rate adjustments or other means. The commissioner may require
1579 facilities to file cost reporting forms, in addition to the annual cost
1580 report, as may be necessary, to verify the appropriate application of
1581 wage, benefit and staffing enhancement rate adjustment payments. For
1582 the purposes of this subdivision, "Medicaid utilization" means the

1583 number of days of care paid for by Medicaid on an annual basis
1584 including days for reserved beds as a percentage of total resident days.

1585 Sec. 43. Section 18-100e of the general statutes is repealed and the
1586 following is substituted in lieu thereof (*Effective October 1, 2002*):

1587 (a) Not later than October 1, 1998, the Commissioner of Correction
1588 shall establish a pilot zero-tolerance drug supervision program.
1589 Eligibility for participation in the program shall be limited to
1590 individuals who are eligible for participation in a community release
1591 program pursuant to section 18-100c and shall be based upon criteria,
1592 including a limit on the maximum number of eligible participants,
1593 established by the Commissioner of Correction.

1594 (b) Any person entering such program shall, as a condition of
1595 participating in such program, agree to: (1) Submit to periodic
1596 urinalysis drug tests, (2) detention in a halfway house facility for a
1597 period of two days each time such test produces a positive result, and
1598 (3) comply with all rules established by the halfway house if detained
1599 in such facility.

1600 (c) Participants in the zero-tolerance drug supervision program shall
1601 submit to periodic urinalysis drug tests. If the test produces a positive
1602 result, the participant may be detained in a halfway house facility for a
1603 period of two days.

1604 (d) Any person who has submitted to a urinalysis drug test
1605 pursuant to subsection (c) of this section that produced a positive
1606 result may request that a second urinalysis drug test be administered,
1607 at such person's expense, to confirm the results of the first test, except
1608 that if the participant is determined to be indigent, based upon
1609 financial affidavits, the Department of Correction shall pay the cost of
1610 the test. The second drug test shall be a urinalysis drug test, separate
1611 and independent of the initial test. The participant may be detained in
1612 a halfway house pending the results of the second test. If such second
1613 test does not produce a positive result, the participant, if detained in a
1614 halfway house, shall be released from such halfway house and the fee,

1615 if paid by the participant, shall be refunded to the participant.

1616 (e) If at any time during participation in the zero-tolerance drug
1617 supervision program, the Commissioner of Correction determines that
1618 the conduct of the participant is unsuitable for continuation in such
1619 program, such participant may be returned to a correctional facility.

1620 [(f) Not later than January 1, 2000, the chairman of the Board of
1621 Parole, the Commissioner of Correction and the Chief Court
1622 Administrator shall submit a report on the pilot zero-tolerance drug
1623 supervision program to the joint standing committee of the General
1624 Assembly having cognizance of matters relating to criminal justice.]

1625 Sec. 44. Subsection (a) of section 19a-638 of the general statutes is
1626 repealed and the following is substituted in lieu thereof (*Effective*
1627 *October 1, 2002*):

1628 (a) Except as provided in sections 19a-639a to [19a-639d] 19a-639c,
1629 inclusive:

1630 (1) Each health care facility or institution, that intends to (A) transfer
1631 all or part of its ownership or control, (B) change the governing powers
1632 of the board of a parent company or an affiliate, whatever its
1633 designation, or (C) change or transfer the powers or control of a
1634 governing or controlling body of an affiliate, shall submit to the office,
1635 prior to the proposed date of such transfer or change, a request for
1636 permission to undertake such transfer or change.

1637 (2) Each health care facility or institution or state health care facility
1638 or institution, including any inpatient rehabilitation facility, which
1639 intends to introduce any additional function or service into its
1640 program of health care shall submit to the office, prior to the proposed
1641 date of the institution of such function or service, a request for
1642 permission to undertake such function or service.

1643 (3) Each health care facility or institution or state health care facility
1644 or institution which intends to terminate a health service offered by

1645 such facility or institution or decrease substantially its total bed
1646 capacity, shall submit to the office, prior to the proposed date of such
1647 termination or decrease, a request to undertake such termination or
1648 decrease.

1649 (4) Each applicant, prior to submitting a certificate of need
1650 application under this section, section 19a-639, as amended by this act,
1651 or under both sections, shall submit a request, in writing, for
1652 application forms and instructions to the office. The request shall be
1653 known as a letter of intent. A letter of intent shall include: (A) The
1654 name of the applicant or applicants; (B) a statement indicating whether
1655 the application is for a new, replacement or additional facility, service
1656 or function, the expansion or relocation of an existing facility, service
1657 or function, a change in ownership or control, a termination of a
1658 service or a reduction in licensed bed capacity and the bed type, any
1659 new or additional beds and their type, a capital expenditure over one
1660 million dollars, the acquisition of major medical equipment, imaging
1661 equipment or a linear accelerator costing over four hundred thousand
1662 dollars, or any combination thereof; (C) the estimated capital cost,
1663 value or expenditure; (D) the town where the project is or will be
1664 located; and (E) a brief description of the proposed project. No
1665 certificate of need application will be considered submitted to the
1666 office unless a current letter of intent, specific to the proposal and in
1667 compliance with this subsection, has been on file with the office at least
1668 sixty days. A current letter of intent is a letter of intent which has been
1669 on file at the office up to and including one hundred twenty days,
1670 except that an applicant may request a one-time extension of a letter of
1671 intent of up to an additional thirty days for a maximum total of up to
1672 one hundred fifty days if, prior to the expiration of the current letter of
1673 intent, the office receives a written request to so extend the letter of
1674 intent's current status. The extension request shall fully explain why an
1675 extension is requested. The office shall accept or reject the extension
1676 request within five business days and shall so notify the applicant.

1677 Sec. 45. Subsection (a) of section 19a-639 of the general statutes is
1678 repealed and the following is substituted in lieu thereof (*Effective*

1679 October 1, 2002):

1680 (a) Except as provided in sections 19a-639a to [19a-639d] 19a-639c,
1681 inclusive, each health care facility or institution, including, but not
1682 limited to, any inpatient rehabilitation facility, any health care facility
1683 or institution or any state health care facility or institution proposing a
1684 capital expenditure exceeding one million dollars, or the acquisition of
1685 major medical equipment requiring a capital expenditure, as defined
1686 in regulations adopted pursuant to section 19a-643, in excess of four
1687 hundred thousand dollars, including the leasing or donation of
1688 equipment or a facility, shall submit a request for approval of such
1689 expenditure to the office, with such data, information and plans as the
1690 office requires in advance of the proposed initiation date of such
1691 project.

1692 Sec. 46. Section 19a-655 of the general statutes is repealed and the
1693 following is substituted in lieu thereof (*Effective October 1, 2002*):

1694 Notwithstanding the provisions of sections 19a-167a to 19a-167d,
1695 inclusive, for the fiscal year commencing October 1, 1993, all hospitals
1696 shall have their budgets calculated and authorized pursuant to the
1697 following method:

1698 (1) The authorized net revenue and expenses per equivalent
1699 discharge prior to compliance shall be the authorized net revenue and
1700 expenses per equivalent discharge prior to compliance for the year
1701 commencing October 1, 1992, adjusted for nonrecurring items and
1702 unbundling of services, increased by three and one-fourth per cent,
1703 plus any adjustment for certificate of need projects authorized by the
1704 office pursuant to [sections 19a-638 and 19a-657,] section 19a-638, as
1705 amended by this act, or section 19a-639, as amended by this act, or
1706 both.

1707 (2) The authorized gross revenue per equivalent discharge prior to
1708 compliance shall be the authorized gross revenue per equivalent
1709 discharge prior to compliance for the year commencing October 1,
1710 1992, adjusted for nonrecurring items and unbundling of services,

1711 increased by four and one-fourth per cent, plus any adjustment for
1712 certificate of need projects authorized by the office pursuant to
1713 [sections 19a-638 and 19a-657,] section 19a-638, as amended by this act,
1714 or section 19a-639, as amended by this act, or both.

1715 (3) The authorized number of equivalent discharges for the fiscal
1716 year commencing October 1, 1993, shall be the number of equivalent
1717 discharges authorized by the office for the fiscal year commencing
1718 October 1, 1992, plus any additional equivalent discharges authorized
1719 by the office as a result of authorized certificate of need projects
1720 authorized by the office pursuant to [sections] section 19a-638 [and
1721 19a-657,] or section 19a-639, or both.

1722 (4) The authorized net revenue prior to compliance and the
1723 uncompensated care pool adjustments shall be the product of the
1724 result of subdivision (1) of this section times the result of subdivision
1725 (3) of this section.

1726 (5) The authorized gross revenue prior to compliance and
1727 uncompensated care pool adjustments shall be the product of the
1728 result of subdivision (2) of this section times subdivision (3) of this
1729 section.

1730 (6) The revenue caps established in this section shall not be
1731 increased except as provided in accordance with the provisions of
1732 sections [19a-657, 19a-658, 19a-660, 19a-663, 19a-664 and 19a-665] 19a-
1733 660 and 19a-663.

1734 Sec. 47. Section 19a-667 of the general statutes is repealed and the
1735 following is substituted in lieu thereof (*Effective October 1, 2002*):

1736 (a) Notwithstanding the provisions of sections 19a-168 to 19a-168f,
1737 inclusive, the uncompensated care pool shall terminate effective 12:00
1738 a.m., April 1, 1994. The termination of the uncompensated care pool
1739 shall not impair or affect any act done, offense committed or right
1740 accruing, accrued or acquired, or any obligation, liability, penalty,
1741 forfeiture or punishment incurred prior to April 1, 1994, under chapter

1742 368c of the general statutes, revision of 1958, revised to 1993, as
1743 amended, and the same may be enjoyed, asserted and enforced, as
1744 fully and to the same extent and in the same manner as they might
1745 under the laws existing prior to said date, and all matters civil or
1746 criminal pending on said date or instituted thereafter for any act done,
1747 offense committed, right accruing, accrued, or acquired, or obligation,
1748 liability, penalty, forfeiture, or punishment incurred prior to said date
1749 may be continued or instituted under and in accordance with the
1750 provisions of the law in force at the time of the commission of said act
1751 done, offense committed, right accruing, accrued, or acquired, or
1752 obligation, liability, penalty, forfeiture or punishment incurred.

1753 [(b) On April 1, 1994, the Treasurer shall transfer ten million dollars
1754 of the funds in said pool representing the proceeds of the sale of bonds
1755 issued pursuant to section 19a-663 for the purpose of providing initial
1756 funding for said pool into a separate account of the General Fund to be
1757 used to pay debt service on any tax exempt state of Connecticut
1758 general obligation bond and shall transfer all remaining funds and
1759 assets of said pool to the resources of the General Fund. During the
1760 period April 1, 1994, to April 12, 1994, inclusive, revenues received and
1761 payments made from said pool, shall be made in accordance with the
1762 provisions of section 19a-168b.]

1763 [(c)] (b) (1) Final settlement of all obligations and liabilities of the
1764 uncompensated care pool shall be no later than June 15, 1995. All
1765 uncompensated care pool assessments and other liabilities of hospitals
1766 for the period ending March 31, 1994, based on the assessable accounts
1767 receivable as of March 31, 1994, shall be paid and all uncompensated
1768 care pool payments to hospitals attributable to the period ending
1769 March 31, 1994, shall be made no later than June 15, 1995. The amount,
1770 if any, by which assessments and other liabilities exceed payments
1771 shall be credited to the resources of the General Fund. (2) Following
1772 the final resolution of an action pending in the United States district
1773 court for the district of Connecticut entitled New England Health Care
1774 Union, District 1199, SEIU, AFL-CIO; et al v. Mt. Sinai Hospital et al,
1775 No. 92-CU-1012, any additional amounts owed to the state from

1776 hospitals as a result of payments that the hospitals are entitled to
1777 receive for patient care services following the resolution of such action
1778 shall be due and payable to the state no later than one month following
1779 receipt of such payments by the hospital. Such amount shall be
1780 deposited into the General Fund and credited to the reconciliation
1781 account established pursuant to section 19a-683.

1782 Sec. 48. Section 19a-668 of the general statutes is repealed and the
1783 following is substituted in lieu thereof (*Effective October 1, 2002*):

1784 Notwithstanding section 19a-667, the Office of Health Care Access
1785 may maintain or enter into any contract or contracts with one or more
1786 private entities within available appropriations to deactivate, audit or
1787 consult on any rights, duties or obligations owed to the
1788 uncompensated care pool prior to April 1, 1994, to assist the
1789 Department of Social Services and to assist in the administration of
1790 sections 3-114i and 12-263a to 12-263e, inclusive, subdivisions (2) and
1791 (29) of section 12-407, as amended, subsection (1) of section 12-408, as
1792 amended, section 12-408a, subdivision (5) of section 12-412, subsection
1793 (1) of section 12-414, and sections 19a-646, 19a-659 to 19a-662,
1794 inclusive, and [19a-666] 19a-667 to 19a-680, inclusive, as amended, on
1795 or after April 1, 1994.

1796 Sec. 49. Section 19a-669 of the general statutes is repealed and the
1797 following is substituted in lieu thereof (*Effective October 1, 2002*):

1798 Effective October 1, 1993, and October first of each subsequent year,
1799 the Secretary of the Office of Policy and Management shall determine
1800 and inform the Office of Health Care Access of the maximum amount
1801 of disproportionate share payments and emergency assistance to
1802 families eligible for federal matching payments under the Medical
1803 Assistance Program or the Emergency Assistance to Families Program
1804 pursuant to federal statute and regulations and subdivisions (2) and
1805 (28) of section 12-407, as amended, subsection (1) of section 12-408, as
1806 amended, subdivision (5) of section 12-412, section 12-414, sections
1807 19a-649, 19a-660 and 19a-661 and this section and the actual and

1808 anticipated appropriation to the medical assistance disproportionate
 1809 share-emergency assistance account authorized pursuant to sections 3-
 1810 114i and 12-263a to 12-263e, inclusive, subdivisions (2) and (29) of
 1811 section 12-407, as amended, subsection (1) of section 12-408, as
 1812 amended, section 12-408a, subdivision (5) of section 12-412, subsection
 1813 (1) of section 12-414 and sections 19a-646, 19a-659 to 19a-662, inclusive,
 1814 and [19a-666] 19a-667 to 19a-680, inclusive, as amended, and the
 1815 amount of emergency assistance to families' payments to hospitals
 1816 projected for the year, and the anticipated amount of any increase in
 1817 payments made pursuant to any resolution of any civil action pending
 1818 on April 1, 1994, in the United States district court for the district of
 1819 Connecticut. The Department of Social Services shall inform the office
 1820 of any amount of uncompensated care which the Department of Social
 1821 Services determines is due to a failure on the part of the hospital to
 1822 register patients for emergency assistance to families, or a failure to bill
 1823 properly for emergency assistance to families' patients. If during the
 1824 course of a fiscal year the Secretary of the Office of Policy and
 1825 Management determines that these amounts should be revised, [he]
 1826 said secretary shall so notify the office and the office may modify its
 1827 calculation pursuant to section 19a-671 to reflect such revision and its
 1828 orders in accordance with section 19a-660, as it deems appropriate and
 1829 the Commissioner of Social Services may modify [his] said
 1830 commissioner's determination pursuant to section 19a-671.

1831 Sec. 50. Subsection (d) of section 19a-670 of the general statutes, as
 1832 amended by section 3 of public act 01-3 of the June special session, is
 1833 repealed and the following is substituted in lieu thereof (*Effective*
 1834 *October 1, 2002*):

1835 (d) Nothing in section 3-114i, subdivisions (2) or (29) of section
 1836 12-407, as amended, subsection (1) of section 12-408, as amended,
 1837 section 12-408a, subdivision (5) of section 12-412, subsection (1) of
 1838 section 12-414, sections 12-263a to 12-263e, inclusive, sections 19a-646,
 1839 19a-659 to 19a-662 or [19a-666] 19a-667 to 19a-680, inclusive, as
 1840 amended, or sections 1, 2, or 38 of public act 94-9* shall be construed to
 1841 require the Department of Social Services to pay out more funds than

1842 are appropriated pursuant to said sections.

1843 Sec. 51. Section 19a-670b of the general statutes, as amended by
1844 section 67 of public act 01-2 of the June special session and section 130
1845 of public act 01-9 of the June special session, is repealed and the
1846 following is substituted in lieu thereof (*Effective October 1, 2002*):

1847 Nothing in section 12-263a, subsection (28) of section 12-407, section
1848 19a-670, as amended, or 19a-670a [or 19a-676a] shall be construed as
1849 relieving any children's general hospital from any prior year's
1850 disproportionate share settlements or adjustments.

1851 Sec. 52. Section 19a-671 of the general statutes is repealed and the
1852 following is substituted in lieu thereof (*Effective October 1, 2002*):

1853 The Commissioner of Social Services is authorized to determine the
1854 amount of payments pursuant to sections 19a-670 to 19a-672, inclusive,
1855 as amended, for each hospital. The commissioner's determination shall
1856 be based on the advice of the office and the application of the
1857 calculation in this section. For each hospital the Office of Health Care
1858 Access shall calculate the amount of payments to be made pursuant to
1859 sections 19a-670 to 19a-672, inclusive, as amended, as follows:

1860 (1) For the period April 1, 1994, to June 30, 1994, inclusive, and for
1861 the period July 1, 1994, to September 30, 1994, inclusive, the office shall
1862 calculate and advise the Commissioner of Social Services of the
1863 amount of payments to be made to each hospital as follows:

1864 (A) Determine the amount of pool payments for the hospital,
1865 including grants approved pursuant to section 19a-168k, in the
1866 previously authorized budget authorization for the fiscal year
1867 commencing October 1, 1993.

1868 (B) Calculate the sum of the result of subparagraph (A) of this
1869 subdivision for all hospitals.

1870 (C) Divide the result of subparagraph (A) of this subdivision by the
1871 result of subparagraph (B) of this subdivision.

1872 (D) From the anticipated appropriation to the medical assistance
1873 disproportionate share-emergency assistance account made pursuant
1874 to sections 3-114i and 12-263a to 12-263e, inclusive, subdivisions (2)
1875 and (29) of section 12-407, as amended, subsection (1) of section 12-408,
1876 as amended, section 12-408a, subdivision (5) of section 12-412,
1877 subsection (1) of section 12-414 and sections 19a-646, 19a-659 to 19a-
1878 662, inclusive, and [19a-666] 19a-667 to 19a-680, inclusive, as amended,
1879 for the quarter subtract the amount of any additional medical
1880 assistance payments made to hospitals pursuant to any resolution of or
1881 court order entered in any civil action pending on April 1, 1994, in the
1882 United States District Court for the district of Connecticut, and also
1883 subtract the amount of any emergency assistance to families payments
1884 projected by the office to be made to hospitals in the quarter.

1885 (E) The disproportionate share payment shall be the result of
1886 subparagraph (D) of this subdivision multiplied by the result of
1887 subparagraph (C) of this subdivision.

1888 (2) For the fiscal year commencing October 1, 1994, and subsequent
1889 fiscal years, the interim payment shall be calculated as follows for each
1890 hospital:

1891 (A) For each hospital determine the amount of the medical
1892 assistance underpayment determined pursuant to section 19a-659, plus
1893 the actual amount of uncompensated care including emergency
1894 assistance to families determined pursuant to section 19a-659, less any
1895 amount of uncompensated care determined by the Department of
1896 Social Services to be due to a failure of the hospital to enroll patients
1897 for emergency assistance to families, plus the amount of any grants
1898 authorized pursuant to the authority of section 19a-168k.

1899 (B) Calculate the sum of the result of subparagraph (A) of this
1900 subdivision for all hospitals.

1901 (C) Divide the result of subparagraph (A) of this subdivision by the
1902 result of subparagraph (B) of this subdivision.

1903 (D) From the anticipated appropriation made to the medical
 1904 assistance disproportionate share-emergency assistance account
 1905 pursuant to sections 3-114i and 12-263a to 12-263e, inclusive,
 1906 subdivisions (2) and (29) of section 12-407, as amended, subsection (1)
 1907 of section 12-408, as amended, section 12-408a, subdivision (5) of
 1908 section 12-412, subsection (1) of section 12-414 and sections 19a-646,
 1909 19a-659 to 19a-662, inclusive, and [19a-666] 19a-667 to 19a-680,
 1910 inclusive, as amended, for the fiscal year, subtract the amount of any
 1911 additional medical assistance payments made to hospitals pursuant to
 1912 any resolution of or court order entered in any civil action pending on
 1913 April 1, 1994, in the United States District Court for the district of
 1914 Connecticut, and also subtract any emergency assistance to families
 1915 payments projected by the office to be made to the hospitals for the
 1916 year.

1917 (E) The disproportionate share payment shall be the result of
 1918 subparagraph (D) of this subdivision multiplied by the result of
 1919 subparagraph (C) of this subdivision.

1920 Sec. 53. Section 19a-672 of the general statutes is repealed and the
 1921 following is substituted in lieu thereof (*Effective October 1, 2002*):

1922 The funds appropriated to the medical assistance disproportionate
 1923 share-emergency assistance account pursuant to sections 3-114i and 12-
 1924 263a to 12-263e, inclusive, subdivisions (2) and (29) of section 12-407,
 1925 as amended, subsection (1) of section 12-408, as amended, section 12-
 1926 408a, subdivision (5) of section 12-412, subsection (1) of section 12-414
 1927 and sections 19a-646, 19a-659 to 19a-662, inclusive, and [19a-666] 19a-
 1928 667 to 19a-680, inclusive, as amended, shall be used by said account to
 1929 make disproportionate share payments to hospitals, including grants
 1930 to hospitals pursuant to section 19a-168k, and to make emergency
 1931 assistance to families payments to hospitals. In addition, the medical
 1932 assistance disproportionate share-emergency assistance account may
 1933 utilize a portion of these funds to make outpatient payments as the
 1934 Department of Social Services determines appropriate or to increase
 1935 the standard medical assistance payments to hospitals if the

1936 Department of Social Services determines it to be appropriate to settle
1937 any civil action pending on April 1, 1994, in the United States District
1938 Court for the district of Connecticut. Notwithstanding any other
1939 provision of the general statutes, the Department of Social Services
1940 shall not be required to make any payments pursuant to sections 3-114i
1941 and 12-263a to 12-263e, inclusive, subdivisions (2) and (29) of section
1942 12-407, as amended, subsection (1) of section 12-408, as amended,
1943 section 12-408a, subdivision (5) of section 12-412, subsection (1) of
1944 section 12-414 and sections 19a-646, 19a-659 to 19a-662, inclusive, and
1945 [19a-666] 19a-667 to 19a-680, inclusive, as amended, in excess of the
1946 funds available in the medical assistance disproportionate share-
1947 emergency assistance account.

1948 Sec. 54. Section 19a-683 of the general statutes is repealed and the
1949 following is substituted in lieu thereof (*Effective October 1, 2002*):

1950 There is established a reconciliation account which shall be a
1951 separate, nonlapsing account within the General Fund. Any moneys
1952 received pursuant to subdivision (2) of subsection [(c)] (b) of section
1953 19a-667, as amended by this act, shall be deposited by the
1954 Commissioner of Social Services into the account.

1955 Sec. 55. Section 20-74bb of the general statutes is repealed and the
1956 following is substituted in lieu thereof (*Effective October 1, 2002*):

1957 (a) No person shall operate a medical x-ray system unless [he] such
1958 person has obtained a license as a radiographer from the department
1959 pursuant to this section. Each person seeking licensure as a
1960 radiographer shall make application on forms prescribed by the
1961 department, pay an application fee of one hundred dollars and present
1962 to the department satisfactory evidence that [he] such person (1) has
1963 completed a course of study in radiologic technology in a program
1964 accredited by the Committee on Allied Health Education and
1965 Accreditation of the American Medical Association or its successor
1966 organization, or a course of study deemed equivalent to such
1967 accredited program by the American Registry of Radiologic

1968 Technologists, and (2) has passed an examination prescribed by the
1969 department and administered by the American Registry of Radiologic
1970 Technologists.

1971 [(b) From October 1, 1993, until January 1, 1995, a person seeking
1972 licensure pursuant to this section may present to the department
1973 satisfactory evidence that he has, from October 1, 1989, until October 1,
1974 1994, practiced as a radiographer for at least thirty-six months,
1975 provided that any license issued pursuant to this subsection shall
1976 become void on October 1, 1997, unless the person has, on or before
1977 that date, presented to the department satisfactory evidence that he
1978 has met the requirement of subdivision (2) of subsection (a) of this
1979 section. Any person who (1) has taken and passed an examination by
1980 the American Registry of Radiologic Technologists, the American
1981 Registry of Clinical Radiology Technologists or other similar nationally
1982 recognized examination and is registered with such registry, (2) has
1983 been engaged in the practice of radiography for not less than twenty
1984 years, and (3) has not been the subject of any investigation or
1985 complaint by the Department of Public Health or similar agency, shall
1986 be deemed to have met the requirements of subdivisions (1) and (2) of
1987 subsection (a) of this section.]

1988 [(c)] (b) A radiographer licensed pursuant to subsection (c) of
1989 section 19a-14 and sections 20-74aa to 20-74cc, inclusive, and 20-74ee
1990 may operate a medical x-ray system under the supervision and upon
1991 the written order of a physician licensed pursuant to chapter 370, a
1992 chiropractor licensed pursuant to chapter 372, a natureopath licensed
1993 pursuant to chapter 373, a podiatrist licensed pursuant to chapter 375,
1994 a dentist licensed pursuant to chapter 379 or a veterinarian licensed
1995 pursuant to chapter 384.

1996 [(d)] (c) Licenses shall be renewed annually in accordance with the
1997 provisions of section 19a-88, as amended. The fee for renewal shall be
1998 fifty dollars.

1999 [(e)] (d) No license shall be issued under this section to any

2000 applicant against whom professional disciplinary action is pending or
2001 who is the subject of an unresolved complaint in this or any other state
2002 or territory.

2003 [(f)] (e) No person shall use the title "radiographer" unless [he] such
2004 person holds a license issued in accordance with this section.

2005 [(g)] (f) Notwithstanding the provisions of subsection (a) of this
2006 section, a graduate of a course of study approved pursuant to
2007 subdivision (1) of said subsection may operate a medical x-ray system
2008 pending the results of the first examination for licensure scheduled
2009 following his or her graduation, provided such graduate is working in
2010 a hospital or similar organization where adequate supervision is
2011 provided.

2012 [(h)] (g) Notwithstanding the requirements of this section, the
2013 commissioner shall grant a license to any person who submits
2014 satisfactory evidence that [he] such person has a degree in radiography
2015 or identical field of study under a different designation from an
2016 institution of higher education authorized to grant degrees by the state
2017 or country where located, has a minimum of ten years experience in
2018 the field of radiography, has a temporary license from the Department
2019 of Public Health and applies for licensure prior to January 1, 1998.

2020 Sec. 56. Section 20-195c of the general statutes is repealed and the
2021 following is substituted in lieu thereof (*Effective October 1, 2002*):

2022 (a) Each applicant for licensure as a marital and family therapist
2023 shall present to the department satisfactory evidence that such
2024 applicant has: (1) Completed a graduate degree program specializing
2025 in marital and family therapy from a regionally accredited college or
2026 university or an accredited postgraduate clinical training program
2027 approved by the Commission on Accreditation for Marriage and
2028 Family Therapy Education and recognized by the United States
2029 Department of Education; (2) completed a minimum of twelve months
2030 of a supervised practicum or internship to be completed within a
2031 period not to exceed twenty-four consecutive months with emphasis in

2032 marital and family therapy supervised by the program granting the
2033 requisite degree or by an accredited postgraduate clinical training
2034 program, approved by the Commission on Accreditation for Marriage
2035 and Family Therapy Education recognized by the United States
2036 Department of Education in which the student received a minimum of
2037 five hundred direct clinical hours that included one hundred hours of
2038 clinical supervision; (3) completed a minimum of twelve months of
2039 relevant postgraduate experience, including at least (A) one thousand
2040 hours of direct client contact offering marital and family therapy
2041 services subsequent to being awarded a master's degree or doctorate or
2042 subsequent to the training year specified in subdivision (2) of this
2043 subsection, and (B) one hundred hours of postgraduate clinical
2044 supervision provided by a licensed marital and family therapist who is
2045 not directly compensated by such applicant for providing such
2046 supervision; and (4) passed an examination prescribed by the
2047 department. The fee shall be two hundred fifty dollars for each initial
2048 application.

2049 (b) The department may grant licensure without examination,
2050 subject to payment of fees with respect to the initial application, to any
2051 applicant who is currently licensed or certified in another state as a
2052 marital or marriage and family therapist on the basis of standards
2053 which, in the opinion of the department, are substantially similar to or
2054 higher than those of this state. No license shall be issued under this
2055 section to any applicant against whom professional disciplinary action
2056 is pending or who is the subject of an unresolved complaint.

2057 [(c) Notwithstanding the requirements of this section, the
2058 commissioner shall, not later than February 6, 2000, grant a license as a
2059 marital and family therapist to any person who applies for licensure
2060 prior to January 1, 2000, and submits satisfactory evidence that the
2061 applicant has (1) a minimum of ten years of relevant experience as of
2062 January 1, 1998, including a minimum of five years work experience
2063 under an approved supervisor or approved substitute supervisor of
2064 the American Association for Marriage and Family Therapy or
2065 supervisor or substitute supervisor certified or licensed under this

chapter, or (2) successfully completed, prior to January 1, 1985, either (A) a graduate degree program specializing in marital and family therapy or (B) an accredited postgraduate clinical training program approved by the Commission on Accreditation for Marriage and Family Therapy Education and recognized by the United States Department of Education.]

[(d)] (c) Licenses issued under this section may be renewed annually in accordance with the provisions of section 19a-88, as amended. The fee for such renewal shall be two hundred fifty dollars. Each licensed marital and family therapist applying for license renewal shall furnish evidence satisfactory to the commissioner of having participated in continuing education programs. The commissioner shall adopt regulations, in accordance with chapter 54, to (1) define basic requirements for continuing education programs, (2) delineate qualifying programs, (3) establish a system of control and reporting, and (4) provide for waiver of the continuing education requirement for good cause.

Sec. 57. Section 20-195dd of the general statutes, as amended by section 14 of public act 01-4 of the June special session, is repealed and the following is substituted in lieu thereof (*Effective October 1, 2002*):

(a) Except as provided in subsections (b) and (c) of this section, an applicant for a license as a professional counselor shall submit evidence satisfactory to the Commissioner of Public Health of having: (1) Completed sixty graduate semester hours deemed to be in or related to the discipline of professional counseling by the National Board for Certified Counselors, or its successor organization, at a regionally accredited institution of higher education, which included the core and clinical curriculum of the Council for Accreditation of Counseling and Related Educational Programs and preparation in principles of etiology, diagnosis, treatment planning and prevention of mental and emotional disorders and dysfunctional behavior, and has earned, from a regionally accredited institution of higher education with a major deemed to be in the discipline of professional counseling

2099 by the National Board for Certified Counselors or its successor
2100 organization, either (A) a master's degree of at least forty-two graduate
2101 semester hours or a master's degree and a sixth-year degree, or (B) a
2102 doctoral degree; (2) acquired three thousand hours of postgraduate-
2103 degree-supervised experience in the practice of professional
2104 counseling, performed over a period of not less than one year, that
2105 included a minimum of one hundred hours of direct supervision by
2106 (A) a physician licensed pursuant to chapter 370 who has obtained
2107 certification in psychiatry from the American Board of Psychiatry and
2108 Neurology, (B) a psychologist licensed pursuant to chapter 383, (C) an
2109 advanced practice registered nurse licensed pursuant to chapter 378
2110 and certified as a clinical specialist in adult psychiatric and mental
2111 health nursing with the American Nurses Credentialing Center, (D) a
2112 marital and family therapist licensed pursuant to chapter 383a, (E) a
2113 clinical social worker licensed pursuant to chapter 383b, (F) a
2114 professional counselor licensed, or prior to October 1, 1998, eligible for
2115 licensure, pursuant to section 20-195cc, or (G) a physician certified in
2116 psychiatry by the American Board of Psychiatry and Neurology,
2117 psychologist, advanced practice registered nurse certified as a clinical
2118 specialist in adult psychiatric and mental health nursing with the
2119 American Nurses Credentialing Center, marital and family therapist,
2120 clinical social worker or professional counselor licensed or certified as
2121 such or as a person entitled to perform similar services, under a
2122 different designation, in another state or jurisdiction whose
2123 requirements for practicing in such capacity are substantially similar to
2124 or higher than those of this state; and (3) passed an examination
2125 prescribed by the commissioner.

2126 [(b) (1) Prior to July 1, 1999, an applicant for a license as a
2127 professional counselor may, in lieu of the requirements set forth in
2128 subsection (a) of this section, submit evidence satisfactory to the
2129 commissioner of having: (A) Earned a master's degree, sixth-year
2130 degree or doctoral degree from a regionally accredited institution of
2131 higher education with a major the National Board for Certified
2132 Counselors or its successor organization deems to be in the discipline

2133 of professional counseling; and (B) practiced professional counseling
2134 for a minimum of two years within a five-year period immediately
2135 preceding application.]

2136 [(2)] (b) Prior to December 30, 2001, an applicant for a license as a
2137 professional counselor may, in lieu of the requirements set forth in
2138 subsection (a) of this section, submit evidence satisfactory to the
2139 commissioner of having: (A) Earned at least a thirty-hour master's
2140 degree, sixth-year degree or doctoral degree from a regionally
2141 accredited institution of higher education with a major in social work,
2142 marriage and family therapy, counseling, psychology or forensic
2143 psychology; (B) practiced professional counseling for a minimum of
2144 two years within a five-year period immediately preceding
2145 application; and (C) passed an examination prescribed by the
2146 commissioner.

2147 (c) An applicant for licensure by endorsement shall present
2148 evidence satisfactory to the commissioner that the applicant is licensed
2149 or certified as a professional counselor, or as a person entitled to
2150 perform similar services under a different designation, in another state
2151 or jurisdiction whose requirements for practicing in such capacity are
2152 substantially similar to or higher than those of this state and that there
2153 are no disciplinary actions or unresolved complaints pending.

2154 Sec. 58. Section 20-195ff of the general statutes is repealed and the
2155 following is substituted in lieu thereof (*Effective October 1, 2002*):

2156 The Commissioner of Public Health may adopt regulations, in
2157 accordance with the provisions of chapter 54, to further the purposes
2158 of subdivision (18) of subsection (c) of section 19a-14, as amended,
2159 subsection (e) of section 19a-88, as amended, subdivision (15) of
2160 section 19a-175, subsection (b) of section 20-9, [subsection (c) of section
2161 20-195c,] sections 20-195aa to 20-195ff, inclusive, as amended, and
2162 sections 20-206jj to 20-206oo, inclusive.

2163 Sec. 59. Section 20-206n of the general statutes is repealed and the
2164 following is substituted in lieu thereof (*Effective October 1, 2002*):

2165 (a) The department may, upon receipt of an application and fee of
2166 one hundred fifty dollars, issue a certificate as a dietitian-nutritionist to
2167 any applicant who has presented to the commissioner satisfactory
2168 evidence that (1) [he] such applicant is certified as a registered dietitian
2169 by the Commission on Dietetic Registration, or (2) [he] such applicant
2170 has (A) successfully passed a written examination prescribed by the
2171 commissioner, and (B) received a master's degree or doctoral degree,
2172 from an institution of higher education accredited to grant such degree
2173 by a regional accrediting agency recognized by the United States
2174 Department of Education, with a major course of study which focused
2175 primarily on human nutrition or dietetics and which included a
2176 minimum of thirty graduate semester credits, twenty-one of which
2177 shall be in not fewer than five of the following content areas: (i)
2178 Human nutrition or nutrition in the life cycle, (ii) nutrition
2179 biochemistry, (iii) nutrition assessment, (iv) food composition or food
2180 science, (v) health education or nutrition counseling, (vi) nutrition in
2181 health and disease, and (vii) community nutrition or public health
2182 nutrition.

2183 [(b) Notwithstanding the provisions of subsection (a) of this section,
2184 the commissioner may, not later than January 1, 1996, issue a certificate
2185 without examination to any applicant residing in this state on October
2186 1, 1994, who offers proof to the satisfaction of the commissioner that he
2187 has (1) received a baccalaureate degree, from an institution of higher
2188 education accredited to grant such degree by a regional accrediting
2189 agency recognized by the United States Department of Education, with
2190 a major course of study which focused primarily on human nutrition
2191 or dietetics and which included a minimum of thirty semester credits
2192 in not fewer than five of the following content areas: (A) Human
2193 nutrition or nutrition in the life cycle, (B) nutrition biochemistry, (C)
2194 nutrition assessment, (D) food composition or food science, (E) health
2195 education or nutrition counseling, (F) nutrition in health and disease,
2196 and (G) community nutrition or public health nutrition, and (2) has
2197 completed not less than five thousand four hundred hours of clinical
2198 practicum or postgraduate work experience in dietetics or nutrition

2199 practice between July 1, 1980, and July 1, 1995.

2200 (c) Notwithstanding the provisions of subsection (a) of this section,
2201 the commissioner may, not later than January 1, 1996, issue a certificate
2202 without examination to any applicant residing in this state on October
2203 1, 1994, who offers proof to the satisfaction of the commissioner that he
2204 (1) has received a master's degree or doctoral degree, from an
2205 institution of higher education accredited to grant such degree by a
2206 regional accrediting agency recognized by the United States
2207 Department of Education, with a major course of study which focused
2208 primarily on human nutrition or dietetics and which included a
2209 minimum of thirty graduate semester credits, twenty-one of which
2210 shall be in not fewer than five of the following content areas: (A)
2211 Human nutrition or nutrition in the life cycle, (B) nutrition
2212 biochemistry, (C) nutrition assessment, (D) food composition or food
2213 science, (E) health education or nutrition counseling, (F) nutrition in
2214 health and disease, and (G) community nutrition or public health
2215 nutrition, and (2) has completed not less than one hundred hours of
2216 clinical practicum or postgraduate work experience in dietetics or
2217 nutrition practice between July 1, 1985, and July 1, 1995.]

2218 [(d)] (b) No certificate shall be issued under this section to any
2219 applicant against whom a professional disciplinary action is pending
2220 or who is the subject of an unresolved complaint.

2221 Sec. 60. Section 20-361 of the general statutes is repealed and the
2222 following is substituted in lieu thereof (*Effective October 1, 2002*):

2223 [(a)] Except as provided in [subsection (b) of this section and]
2224 section 20-365, no person shall be licensed as a sanitarian who does not
2225 prove to the satisfaction of the commissioner that [he] such person
2226 holds a degree from an accredited college or university following four
2227 years of study and has two years of full-time experience, or the
2228 equivalent, in the field of environmental health acceptable to the
2229 commissioner. An applicant who successfully completes a special
2230 training course in environmental health approved by the

2231 commissioner may substitute such course for six months of such
 2232 required experience in the field of environmental health. The applicant
 2233 shall also be required to pass a written or oral examination in the
 2234 science of environmental health as determined by the commissioner.
 2235 An applicant for licensure shall not be required to be licensed while
 2236 completing the work experience requirements of this section,
 2237 provided, on and after January 1, 1998, such experience shall be
 2238 completed under the supervision of a sanitarian licensed pursuant to
 2239 this chapter or licensed, certified or registered in the jurisdiction in
 2240 which such experience was completed.

2241 [(b) For any person applying for licensure as a sanitarian on or
 2242 before October 1, 1997, a minimum of four years of combined training
 2243 and work experience in the field of environmental health within a
 2244 Connecticut municipal or district health department, the Department
 2245 of Public Health or the armed forces, as defined in section 27-103, may
 2246 be substituted for the degree from an accredited college or university
 2247 specified in subsection (a) of this section.]

2248 Sec. 61. Section 20-475 of the general statutes is repealed and the
 2249 following is substituted in lieu thereof (*Effective October 1, 2002*):

2250 [(a)] On and after the effective date of regulations adopted pursuant
 2251 to section 20-478, no entity shall hold itself out as a lead abatement
 2252 contractor or lead consultant contractor, or to principally engage in
 2253 such work in this state without a license issued by the Commissioner
 2254 of Public Health. Applications for such license shall be made to the
 2255 department on forms provided by it, and shall be accompanied by a
 2256 fee of five hundred dollars, and shall contain such information
 2257 regarding the applicant's qualifications as the department may require
 2258 in regulations adopted pursuant to said section 20-478 including, but
 2259 not limited to, demonstrating that all employees of any applicant who
 2260 require certification pursuant to subsections (e) and (f) of section 19a-
 2261 88, as amended, and sections 20-474 to 20-482, inclusive, are certified
 2262 by the department. The department shall review the technical,
 2263 equipment and personnel resources of each applicant. No person shall

2264 be issued a license to act as a lead abatement contractor or lead
2265 consultant contractor unless [he] such person obtains such approval.
2266 The commissioner may issue a license under this section to any person
2267 who is licensed in another state under a law which provides standards
2268 which are equal to or higher than those of Connecticut and is not
2269 subject to any unresolved complaints or pending disciplinary actions.
2270 Licenses issued pursuant to this section shall be renewed annually in
2271 accordance with the provisions of section 19a-88 upon payment of a
2272 fee of five hundred dollars.

2273 [(b) The commissioner shall issue a temporary license as a lead
2274 abatement contractor or lead consultant contractor to any contractor
2275 who, as of July 1, 1994, is performing such work, which license shall be
2276 valid for a period of one year from said date and which shall expire no
2277 later than June 30, 1995. During the period such temporary license is in
2278 effect, the contractor shall make application to the department for
2279 licensure pursuant to subsection (a) of this section. If an application is
2280 pending for licensure pursuant to said subsection (a), the temporary
2281 license may be renewed for an additional six-month period. No
2282 temporary license shall be issued to any applicant against whom
2283 disciplinary action is pending or who is the subject of unresolved
2284 complaint under chapter 393c or 400. The fee for a temporary license
2285 and renewal shall be the same as those provided in said subsection
2286 (a).]

2287 Sec. 62. Section 20-476 of the general statutes is repealed and the
2288 following is substituted in lieu thereof (*Effective October 1, 2002*):

2289 [(a)] On and after the effective date of regulations adopted pursuant
2290 to section 20-478, no person shall hold himself out as a lead consultant,
2291 lead abatement supervisor or a lead abatement worker as defined in
2292 regulations adopted pursuant to section 20-478, in this state without a
2293 certificate issued by the Commissioner of Public Health. Applications
2294 for such certificate shall be made to the department on forms provided
2295 by it and shall be accompanied by a fee of twenty-five dollars, and
2296 shall contain such information regarding the applicant's qualifications

2297 as the department may require in regulations adopted pursuant to said
2298 section 20-478. No person shall be issued a certificate to act as a lead
2299 consultant, lead abatement supervisor or lead abatement worker
2300 unless [he] such person obtains such approval. The commissioner may
2301 issue a certificate under this section to any person who is licensed or
2302 certified in another state under a law which provides standards which
2303 are equal to or higher than those of Connecticut and is not subject to
2304 any unresolved complaints or pending disciplinary actions.
2305 Certificates issued pursuant to this section shall be renewed annually
2306 in accordance with the provisions of section 19a-88, as amended, upon
2307 payment of a fee of twenty-five dollars.

2308 [(b) The commissioner shall issue a temporary certificate as a lead
2309 consultant, lead abatement supervisor or lead abatement worker to
2310 any person who, as of July 1, 1994, is performing such work, which
2311 certificate shall be valid for a period of one year from said date and
2312 which shall expire no later than June 30, 1995. During the period such
2313 temporary certificate is in effect, the lead consultant, lead abatement
2314 supervisor or lead abatement worker shall make application to the
2315 department for certification pursuant to subsection (a) of this section. If
2316 an application is pending for certification pursuant to said subsection
2317 (a), the temporary certificate may be renewed for an additional six-
2318 month period. The fee for a temporary license and renewal shall be the
2319 same as those provided in said subsection (a).]

2320 Sec. 63. Subsection (a) of section 22a-2a of the general statutes is
2321 repealed and the following is substituted in lieu thereof (*Effective*
2322 *October 1, 2002*):

2323 (a) The Commissioner of Environmental Protection may designate
2324 as [his] the commissioner's agent any state or regional agency,
2325 municipality, or public water utility operated by a municipality or
2326 other political subdivision of the state or employee thereof and
2327 delegate to such agent the authority to inspect in connection with the
2328 enforcement of or to enforce any of the provisions of chapters 246, 247,
2329 248, 255 and 268, sections 22a-28 to 22a-35, inclusive, subsection (c) of

2330 section 22a-66a, section 22a-123, sections 22a-207 to [22a-219] 22a-218,
2331 inclusive, as amended, section 22a-250, as amended, sections 22a-359
2332 to 22a-361, inclusive, chapters 442, 446c and 446k, title 23, as amended,
2333 title 26, as amended, sections 29-28, as amended, 29-35, as amended,
2334 29-38, 53-134, 53-190, 53-191, 53-194, 53-203, 53-204, 53-205, 53a-59 to
2335 53a-64, inclusive, as amended, and 53a-100 to 53a-117, inclusive, as
2336 amended, subsection (b) of section 53a-119b, sections 53a-122 to 53a-
2337 125, inclusive, 53a-130, 53a-133 to 53a-136, inclusive, 53a-147 to 53a-
2338 149, inclusive, 53a-157b, 53a-165 to 53a-167c, inclusive, as amended,
2339 53a-171, 53a-181 to 53a-183, inclusive, as amended, 54-33d, 54-33e and
2340 subsection (b) of section 22a-134p or any regulation, permit or order
2341 issued pursuant thereto, except the authority to render a final decision,
2342 after a hearing, assessing a civil penalty in accordance with the
2343 provisions of section 22a-6b. Any designation of authority by the
2344 commissioner shall be with the consent of such state or regional
2345 agency, municipality or public water utility operated by a municipality
2346 or other political subdivision of the state. Delegation of authority to an
2347 agent of such a public water utility shall be limited to inspection
2348 authority and such delegation shall include provision for training of
2349 inspectors, in a manner specified by the Commissioner of
2350 Environmental Protection. The expense for such training shall be borne
2351 by the designated public water utility seeking such designation.

2352 Sec. 64. Section 22a-46 of the general statutes is repealed and the
2353 following is substituted in lieu thereof (*Effective October 1, 2002*):

2354 This part, subsection (a) of section 23-61a [,] and sections 23-61b [to
2355 23-61d, inclusive,] and 23-61f, as amended by this act, may be cited as
2356 the "Connecticut Pesticide Control Act".

2357 Sec. 65. Section 22a-47 of the general statutes is repealed and the
2358 following is substituted in lieu thereof (*Effective October 1, 2002*):

2359 For purposes of this part, subsection (a) of section 23-61a [,] and
2360 sections 23-61b [to 23-61d, inclusive,] and 23-61f, as amended by this
2361 act:

2362 (a) "Active ingredient" means:

2363 (1) In the case of a pesticide other than a plant regulator, defoliant,
2364 or desiccant, an ingredient which will prevent, destroy, repel, or
2365 mitigate any pest;

2366 (2) In the case of a plant regulator, an ingredient which, through
2367 physiological action, will accelerate or retard the rate of growth or rate
2368 of maturation or otherwise alter the behavior of ornamental or crop
2369 plants or the product thereof;

2370 (3) In the case of a defoliant, an ingredient which will cause the
2371 leaves or foliage to drop from a plant; and

2372 (4) In the case of a desiccant, an ingredient which will artificially
2373 accelerate the drying of plant tissue;

2374 (b) "Adulterated" applies to any pesticide if:

2375 (1) Its strength or purity falls below the professed standard of
2376 quality as expressed on its labeling under which it is sold;

2377 (2) Any substance has been substituted wholly or in part for the
2378 pesticide; or

2379 (3) Any valuable constituent of the pesticide has been wholly or in
2380 part abstracted;

2381 (c) "Animal" means all vertebrate and invertebrate species,
2382 including but not limited to man and other mammals, birds, fish, and
2383 shellfish;

2384 (d) "Certified applicator" means any individual who is certified
2385 under section 22a-54;

2386 (e) "Private applicator" means a certified applicator who uses or
2387 supervises the use of any pesticide, which is classified for restricted
2388 use for the purpose of producing any agricultural commodity, on
2389 property owned or rented by [him or his] the applicator or the

2390 applicator's employer or if applied without compensation other than
2391 trading of personal services between producers of agricultural
2392 commodities on the property of another person: A pesticide shall be
2393 construed to be applied under the direct supervision of a private
2394 applicator if it is applied by a competent person on property owned or
2395 rented by a private applicator acting under the instructions and control
2396 of a private applicator who is available if and when needed;

2397 (f) "Commercial applicator" means any individual, whether or not
2398 [he] such individual is a private applicator with respect to some uses,
2399 who uses or supervises the use of (1) any restricted use pesticides, or
2400 (2) any pesticide on property not owned or rented by [him or his] such
2401 individual or such individual's employer;

2402 (g) "Commissioner" means the Commissioner of Environmental
2403 Protection;

2404 (h) "Defoliant" means any substance or mixture of substances
2405 intended for causing the leaves or foliage to drop from a plant, with or
2406 without causing abscission;

2407 (i) "Desiccant" means any substance or mixture of substances
2408 intended for artificially accelerating the drying of plant tissue;

2409 (j) "Device" means any instrument or contrivance which uses
2410 pesticides and is intended for trapping, destroying, repelling, or
2411 mitigating any pest or any other form of plant or animal life; but not
2412 including equipment used for the application of pesticides when sold
2413 separately therefrom;

2414 (k) "Environment" includes the ecosystem of water, air, land, plants,
2415 man and other animals, and the interrelationships which exist among
2416 these;

2417 (l) "Imminent hazard" means a situation which exists when the
2418 continued use of a pesticide, during the time required for a
2419 cancellation proceeding as provided in section 22a-52, as amended by

2420 this act, would be likely to result in unreasonable adverse effects on
2421 the environment or will involve unreasonable hazard to the survival of
2422 a species declared endangered by the Secretary of the Interior pursuant
2423 to the provisions of 83 Stat. 275 (P.L. 91-135), as may be amended from
2424 time to time;

2425 (m) "Inert ingredient" means an ingredient which is not active;

2426 (n) "Ingredient statement" means a statement which contains the
2427 name and percentage of each active ingredient, and the total
2428 percentage of all inert ingredients, in the pesticide; and a statement of
2429 the percentages of total and water soluble arsenic, calculated as
2430 elementary arsenic, if any;

2431 (o) "Insect" means any of the numerous small invertebrate animals
2432 generally having the body more or less obviously segmented, for the
2433 most part belonging to the class insecta, comprising six-legged, usually
2434 winged forms, including, but not limited to, beetles, bugs, bees, flies,
2435 and to other allied classes of arthropods whose members are wingless
2436 and usually have more than six legs, including, but not limited to,
2437 spiders, mites, ticks, centipedes, and wood lice;

2438 (p) "Label" means the written, printed, or graphic matter on, or
2439 attached to, the pesticide or device or any of its containers or
2440 wrappers;

2441 (q) "Labeling" means all labels and all other written, printed or
2442 graphic matter, accompanying the pesticide or device or to which
2443 reference is made on the label or in literature accompanying the
2444 pesticide or device;

2445 (r) A pesticide is misbranded if:

2446 (1) Its labeling bears any statement, design, or graphic
2447 representation relative thereto or to its ingredients which is false or
2448 misleading in any particular;

2449 (2) It is contained in a package or other container or wrapping

2450 which does not conform to the standards established by 86 Stat. 979
2451 (P.L. 92-516), as may be amended from time to time;

2452 (3) It is an imitation of, or is offered for sale under the name of
2453 another pesticide;

2454 (s) "Microorganism" means any microscopic organism including but
2455 not limited to alga, bacterium, fungus, and virus except those on or in
2456 living man or other animals and those on or in processed food,
2457 beverage or pharmaceuticals;

2458 (t) "Nematode" means invertebrate animals of the phylum
2459 nemathelminthes and class nematoda, that is, unsegmented round
2460 worms with elongated, fusiform, or sac-like bodies covered with
2461 cuticle and inhabiting soil, water, plants, or plant parts which may also
2462 be called nemas or eelworms;

2463 (u) "Person" means any individual, partnership, association,
2464 corporation, limited liability company, government entity, or any
2465 organized group of persons whether incorporated or not;

2466 (v) "Pest" shall have the meaning provided in 40 CFR 152.5, as
2467 amended from time to time;

2468 (w) "Pesticide" means any substance or mixture of substances
2469 intended for preventing, destroying, repelling, or mitigating any pest,
2470 or any substance or mixture of substances intended for use as a plant
2471 regulator, defoliant or desiccant;

2472 (x) "Plant regulator" means any substance or mixture of substances
2473 intended, through physiological action, for accelerating or retarding
2474 the rate of growth or rate of maturation, or for otherwise altering the
2475 behavior of plants or the produce thereof, but shall not include
2476 substances to the extent that they are intended as plant nutrients, trace
2477 elements, nutritional chemicals, plant inoculants, and soil amendments
2478 which are not for pest destruction and are nontoxic, nonpoisonous in
2479 the undiluted packaged concentration;

2480 (y) "Registrant" means a person who has registered any pesticide
2481 pursuant to the provisions of this chapter;

2482 (z) "Unreasonable adverse effects on the environment" means any
2483 unreasonable risk to man or the environment, taking into account the
2484 economic, social, and environmental costs and benefits of the use of
2485 any pesticide;

2486 (aa) "Weed" means any plant which grows where not wanted;

2487 (bb) "FIFRA" means the federal Insecticide, Fungicide and
2488 Rodenticide Act, 7 USC 135 et seq., as amended by the federal
2489 Environmental Pesticide Control Act of 1972, 7 USC 136 et seq., and as
2490 may be amended from time to time;

2491 (cc) "Restricted use pesticide" means any pesticide or pesticide use
2492 classified as restricted by the administrator of the United States
2493 Environmental Protection Agency or by the commissioner; and

2494 (dd) "Integrated pest management" means use of all available pest
2495 control techniques including judicious use of pesticides, when
2496 warranted, to maintain a pest population at or below an acceptable
2497 level, while decreasing the unnecessary use of pesticides.

2498 Sec. 66. Subsection (a) of section 22a-48 of the general statutes is
2499 repealed and the following is substituted in lieu thereof (*Effective*
2500 *October 1, 2002*):

2501 (a) Except as otherwise provided by this part, subsection (a) of
2502 section 23-61a [, or sections 23-61b to 23-61d, inclusive] or section 23-
2503 61b, as amended by this act, no person may distribute, sell, offer for
2504 sale, hold for sale, ship, deliver for shipment or receive and, having so
2505 received, deliver or offer to deliver, to any person in this state any
2506 pesticide which is not registered with the commissioner, provided a
2507 pesticide which is not registered with the commissioner may be
2508 transferred if (1) the transfer is from one plant in this state to another
2509 plant in this state operated by the same producer solely for packaging

2510 at the second plant or for use as a constituent part of another pesticide
2511 produced at the second plant; or (2) the transfer is pursuant to and in
2512 accordance with the requirements of an experimental use permit.

2513 Sec. 67. Subsection (j) of section 22a-50 of the general statutes is
2514 repealed and the following is substituted in lieu thereof (*Effective*
2515 *October 1, 2002*):

2516 (j) In no event shall registration of an article be construed as a
2517 defense for the commission of any offense under this part, subsection
2518 (a) of section 23-61a [, or sections 23-61b to 23-61d, inclusive] or section
2519 23-61, as amended by this act, provided if no cancellation proceedings
2520 are in effect, registration of a pesticide shall be prima facie evidence
2521 that the pesticide, its labeling and packaging comply with the
2522 registration provisions of this part and said sections.

2523 Sec. 68. Subsection (a) of section 22a-52 of the general statutes is
2524 repealed and the following is substituted in lieu thereof (*Effective*
2525 *October 1, 2002*):

2526 (a) The commissioner shall cancel the registration of any pesticide at
2527 the end of the five-year period which begins on the date of its
2528 registration, or at the end of any five-year period thereafter, unless the
2529 registrant, or other interested person with the concurrence of the
2530 registrant, before the end of such period, requests in accordance with
2531 regulations prescribed by the commissioner that the registration be
2532 continued in effect provided the commissioner may permit the
2533 continued sale and use of existing stocks of a pesticide whose
2534 registration is cancelled under this section to such extent, under such
2535 conditions, and for such uses as [he] the commissioner may specify if
2536 [he] the commissioner determines that such sale or use is not
2537 inconsistent with the purposes of this part, subsection (a) of section 23-
2538 61a [, or sections 23-61b to 23-61d, inclusive] or section 23-61b, as
2539 amended by this act, and will not have unreasonable adverse effects on
2540 the environment. The commissioner shall notify the registrant, at least
2541 thirty days prior to the expiration of such five-year period, that the

2542 registration will be cancelled.

2543 Sec. 69. Section 22a-56a of the general statutes is repealed and the
2544 following is substituted in lieu thereof (*Effective October 1, 2002*):

2545 The Commissioner of Environmental Protection may refuse to grant
2546 distributor registration or renewal of registration and may revoke or
2547 suspend registration following a hearing in accordance with the
2548 provisions of chapter 54. Any violation of the provisions of this part or
2549 of section 22a-66y or 22a-66z or a regulation adopted thereunder,
2550 applicable to registered distributors, shall be grounds for revocation,
2551 refusal to renew or suspension of registration including, but not be
2552 limited to, the following: (1) Falsification of records required to be
2553 maintained pursuant to subsections (a) and (b) of section 22a-58 or
2554 refusal to keep and maintain such records; (2) neglecting or refusing to
2555 comply with or violating any of the provisions of this part, the
2556 regulations adopted thereunder, or any lawful order of the
2557 commissioner; (3) the distribution, sale or offering for sale of any
2558 restricted use pesticide to any person unless that person is a
2559 commercial supervisor or a private applicator certified under section
2560 22a-54 or under subsection (a) of section 23-61a or [sections 23-61b to
2561 23-61d, inclusive] section 23-61b, as amended by this act, or a seller
2562 registered under section 22a-56; (4) distribution, sale or offering for
2563 sale any permit use pesticide to any person unless that person has a
2564 permit issued in accordance with the provisions of this part, subsection
2565 (a) of section 23-61a or [sections 23-61b to 23-61d, inclusive] section 23-
2566 61b, as amended by this act, or to a seller registered under section 22a-
2567 56; (5) the distribution, sale, offering for sale, holding for sale or
2568 offering to deliver any restricted or permit use pesticide without
2569 distributor registration under section 22a-56.

2570 Sec. 70. Subsection (b) of section 22a-57 of the general statutes is
2571 repealed and the following is substituted in lieu thereof (*Effective*
2572 *October 1, 2002*):

2573 (b) No person shall distribute, sell or offer for sale any permit use

2574 pesticide to any person unless that person has a permit issued in
2575 accordance with the provisions of this part, subsection (a) of section 23-
2576 61a or [sections 23-61b to 23-61d, inclusive] section 23-61b, as amended
2577 by this act, or to a seller registered under section 22a-56.

2578 Sec. 71. Subsection (b) of section 22a-58 of the general statutes is
2579 repealed and the following is substituted in lieu thereof (*Effective*
2580 *October 1, 2002*):

2581 (b) For the purposes of enforcing the provisions of this part,
2582 subsection (a) of section 23-61a [,] and sections 23-61b [to 23-61d,
2583 inclusive,] and 23-61f, as amended by this act, any distributor, carrier,
2584 dealer, or any other person who sells or offers for sale, delivers or
2585 offers for delivery any pesticide or device subject to this part and said
2586 sections, shall, upon request of any officer or employee of the
2587 Department of Environmental Protection duly designated by the
2588 commissioner, furnish or permit such person at all reasonable times to
2589 have access to, and to copy:

2590 (1) All records showing the delivery, movement, or holding of such
2591 pesticide or device, including the quantity, the date of shipment and
2592 receipt, and the name of the consignor and consignee; or

2593 (2) In the event of the inability of any person to produce records
2594 containing such information, all other records and information relating
2595 to such delivery, movement, or holding of the pesticide or device. Any
2596 inspection with respect to any records and information referred to in
2597 this subsection shall not extend to financial data, sales data other than
2598 shipment data, pricing data, personnel data, and research data.

2599 Sec. 72. Section 22a-59 of the general statutes is repealed and the
2600 following is substituted in lieu thereof (*Effective October 1, 2002*):

2601 (a) For purposes of enforcing the provisions of this chapter,
2602 subsection (a) of section 23-61a [,] and sections 23-61b [to 23-61d,
2603 inclusive,] and 23-61f, as amended by this act, officers or employees
2604 duly designated by the commissioner are authorized to enter at

reasonable times, any establishment or other place where pesticides or devices are being or have been used, or where pesticides or devices are held for use, distribution or sale in order to: (1) Observe the application of pesticides; (2) determine if the applicator is or should be certified; (3) determine if the applicator has obtained a proper permit to apply restricted use pesticides; (4) inspect equipment or devices used to apply pesticides; (5) inspect or investigate the validity of damage claims; (6) inspect or obtain samples in any place where pesticides or devices have been used or are held for use, storage, distribution or sale; (7) obtain samples of any pesticides or devices packaged, labeled and released for shipment and samples of any containers or labeling for such pesticides or devices, and (8) obtain samples of any pesticides or devices that have been used and obtain samples of any containers or labeling for such pesticides or devices. Before undertaking such inspection, the officers or employees shall present to the owner, operator, or agent in charge of the establishment or other place where pesticides or devices are held for distribution or sale, appropriate credentials and a written statement as to the reason for the inspection, including a statement as to whether a violation of the law is suspected. If no violation is suspected, an alternate and sufficient reason shall be given in writing. Each such inspection shall be commenced and completed with reasonable promptness. If the officer or employee obtains any samples, prior to leaving the premises, he shall give to the owner, operator, or agent in charge a receipt describing the samples obtained and, if requested, a portion of each such sample equal in volume or weight to the portion retained. If an analysis is made of such samples, the laboratories of the Connecticut Agricultural Experiment Station may be used and a copy of the results of such analysis shall be furnished promptly to the owner, operator, or agents in charge and the commissioner.

(b) For purposes of enforcing the provisions of this part, subsection (a) of section 23-61a [,] and sections 23-61b [to 23-61d, inclusive,] and 23-61f, as amended by this act, and upon a showing to an officer or court of competent jurisdiction that there is reason to believe that the

2639 provisions of this chapter and said sections have been violated, officers
 2640 or employees duly designated by the commissioner are empowered to
 2641 obtain and to execute warrants authorizing: (1) Entry for the purpose
 2642 of this section; (2) inspection and reproduction of all records showing
 2643 the quantity, date of shipment, and the name of consignor and
 2644 consignee of any pesticide or device found in the establishment which
 2645 is adulterated, misbranded, not registered, in the case of a pesticide, or
 2646 otherwise in violation of this part and said sections and in the event of
 2647 the inability of any person to produce records containing such
 2648 information, all other records and information relating to such
 2649 delivery, movement, or holding of the pesticide or device; and (3) the
 2650 seizure of any pesticide or device which is in violation of this part and
 2651 said sections.

2652 Sec. 73. Subsection (b) of section 22a-62 of the general statutes is
 2653 repealed and the following is substituted in lieu thereof (*Effective*
 2654 *October 1, 2002*):

2655 (b) Any pesticide distributed, sold, offered for sale or delivered for
 2656 transportation or transported into or within the state for the purpose of
 2657 sale shall be subject to seizure and condemnation upon application of
 2658 the commissioner to the superior court for the judicial district of
 2659 Hartford:

2660 (1) In the case of a pesticide, if:

2661 (A) It is adulterated or misbranded;

2662 (B) It is not registered pursuant to the provisions of this part;

2663 (C) Its labeling fails to bear the information required by the federal
 2664 Insecticide, Fungicide and Rodenticide Act (P.L. 92-516), as may be
 2665 amended from time to time;

2666 (D) It is not colored or discolored and such coloring or discoloring is
 2667 required under this part; or

2668 (E) Any of the claims for it or any of the directions for its use differ

2669 in substance from the representations made in connection with its
2670 registration;

2671 (2) In the case of a device, it is misbranded; or

2672 (3) In the case of a pesticide or device, when used in accordance
2673 with the requirements imposed under this part, subsection (a) of
2674 section 23-61a [, or sections 23-61b to 23-61d, inclusive;] or section 23-
2675 61b, as amended by this act, and as directed by the labeling, it
2676 nevertheless causes unreasonable adverse effects on the environment;

2677 (4) In the case of a plant regulator, defoliant or desiccant, used in
2678 accordance with the label claims and recommendations, physical or
2679 physiological effects on plants or parts thereof shall not be deemed to
2680 be injurious, when such effects are the purpose for which the plant
2681 regulator, defoliant or desiccant was applied.

2682 Sec. 74. Section 22a-63 of the general statutes, as amended by section
2683 6 of public act 01-204 and section 73 of public act 01-9 of the June
2684 special session, is repealed and the following is substituted in lieu
2685 thereof (*Effective October 1, 2002*):

2686 (a) Any registrant, commercial applicator, uncertified person who
2687 performs or advertises or solicits to perform commercial application,
2688 wholesaler, dealer, retailer or other distributor who knowingly violates
2689 any provision of this chapter, subsection (a) of section 23-61a [, or
2690 sections 23-61b to 23-61d, inclusive] or section 23-61b, as amended by
2691 this act, shall be fined not more than five thousand dollars, or
2692 imprisoned for not more than one year or both.

2693 (b) Any private applicator or other person, not included in
2694 subsection (a), who knowingly violates any provision of this chapter,
2695 subsection (a) of section 23-61a [, or sections 23-61b to 23-61d,
2696 inclusive] or section 23-61b, as amended by this act, shall be fined not
2697 more than one thousand dollars, or imprisoned for not more than
2698 thirty days or both.

2699 (c) Any person who, with intent to defraud, uses or reveals
2700 information relative to formulas of products acquired under the
2701 authority of this chapter, shall be fined not more than ten thousand
2702 dollars, or imprisoned for not more than one year or both.

2703 (d) When construing and enforcing the provisions of this chapter,
2704 subsection (a) of section 23-61a [,] and sections 23-61b [to 23-61d,
2705 inclusive,] and 23-61f, as amended by this act, the action, omission or
2706 failure to act of any officer, agent or other person acting for or
2707 employed by any person shall in every case be also deemed to be the
2708 action, omission or failure to act of such person as well as that of the
2709 person employed.

2710 (e) Any person who violates any provision of this chapter may be
2711 assessed a civil penalty of not more than two thousand five hundred
2712 dollars per day for each day such violation continues. The Attorney
2713 General, upon complaint of the commissioner, shall institute a civil
2714 action to recover such penalty in the superior court for the judicial
2715 district of Hartford. All actions brought by the Attorney General shall
2716 have precedence in the order of trial as provided in section 52-191.

2717 (f) Any person who is not certified as a commercial applicator who
2718 performs or advertises or solicits to perform commercial application of
2719 a pesticide, or any person possessing an operational certificate for
2720 commercial application under section 22a-54 who performs or
2721 advertises or solicits to perform any activity requiring a supervisory
2722 certificate for commercial application shall be assessed a civil penalty
2723 in an amount not less than one thousand dollars nor more than two
2724 thousand dollars for each day such violation continues. For any
2725 subsequent violation, such penalty shall be not more than five
2726 thousand dollars. The Attorney General, upon complaint of the
2727 commissioner, may institute a civil action to recover such penalty in
2728 the superior court for the judicial district of Hartford. Any penalties
2729 collected under this subsection shall be deposited in the
2730 Environmental Quality Fund established under section 22a-27g and
2731 shall be used by the commissioner to carry out the purposes of this

2732 section.

2733 Sec. 75. Section 22a-65 of the general statutes is repealed and the
2734 following is substituted in lieu thereof (*Effective October 1, 2002*):

2735 (a) After public hearing, the commissioner may make regulations
2736 governing the disposal of any pesticide or any container therefor, to
2737 prevent pollution of any waterway and to protect plant and animal
2738 life. Such regulations shall be consistent with Section 19(a) of FIFRA
2739 and regulations promulgated thereunder.

2740 (b) The commissioner shall, in cooperation with the college of
2741 agriculture and natural resources of The University of Connecticut, the
2742 Connecticut Agricultural Experiment Station and other public
2743 agencies, publish information regarding proper application or
2744 handling of pesticides and methods and precautions designed to
2745 prevent damage and injury.

2746 (c) The commissioner may undertake such monitoring activities,
2747 including but not limited to monitoring in air, soil, water, man, plants
2748 and animals, as may be necessary for the implementation of this part,
2749 subsection (a) of section 23-61a [, or sections 23-61b to 23-61d,
2750 inclusive] or section 23-61b, as amended by this act, and of the
2751 National Pesticide Monitoring Plan. Such activities shall be carried out
2752 in cooperation with federal, state and local agencies.

2753 (d) The commissioner shall establish a Pesticide Advisory Council
2754 consisting of, but not limited to, the director of the Agricultural
2755 Experiment Station, the Commissioner of Agriculture, the
2756 Commissioner of Public Health, and the dean of the college of
2757 agriculture of The University of Connecticut or their respective
2758 designees. The council shall meet at least annually and the
2759 commissioner may consult with the Pesticide Advisory Council on
2760 technical matters involving the application and use of pesticides, the
2761 determination of imminent hazards and the unreasonable adverse
2762 effects on the environment before promulgating regulations or orders
2763 in carrying out this part, subsection (a) of section 23-61a [,] and

2764 sections 23-61b [to 23-61d, inclusive,] and 23-61f, as amended by this
2765 act.

2766 Sec. 76. Section 22a-66 of the general statutes is repealed and the
2767 following is substituted in lieu thereof (*Effective October 1, 2002*):

2768 (a) The commissioner is authorized to prescribe regulations to carry
2769 out the provisions of this part, subsection (a) of section 23-61a [, and
2770 sections 23-61b to 23-61d, inclusive] and section 23-61b, as amended by
2771 this act. Such regulations shall take into account the difference in
2772 concept and usage between various classes of pesticides.

2773 (b) The commissioner may exempt from the requirements of this
2774 part, subsection (a) of section 23-61a [, and sections 23-61b to 23-61d,
2775 inclusive] and section 23-61b, as amended by this act, by regulation
2776 any pesticide which [he] the commissioner determines to be
2777 adequately regulated by another state or federal agency, in order to
2778 carry out the purposes of this part, [and said sections] said subsection
2779 and said section.

2780 (c) The commissioner, after notice and opportunity for hearing, is
2781 authorized:

2782 (1) To declare a pest any form of plant or animal life, other than man
2783 and other bacteria, virus and other microorganisms on or in living man
2784 or other living animals, which is injurious to health or the
2785 environment;

2786 (2) To determine any pesticide which contains any substance or
2787 substances in quantities highly toxic to man;

2788 (3) To prescribe regulations requiring any pesticide to be colored or
2789 discolored if [he] the commissioner determines that such requirement
2790 is feasible and is necessary for the protection of health and the
2791 environment. Such regulations shall be consistent with Section 25(c) of
2792 FIFRA and regulations promulgated thereunder;

2793 (4) To prohibit the use of any pesticides by officials of towns, cities

2794 or boroughs or their agents when such use would result in
2795 unreasonable adverse effects on the environment;

2796 (5) To prescribe regulations concerning the time, place, manner,
2797 methods, materials and amounts and concentrations, in connection
2798 with the application of pesticides in designated areas during specified
2799 periods of time and shall encompass all reasonable factors which the
2800 commissioner deems necessary to prevent damage or injury by drift or
2801 misapplication to:

2802 (i) Plants including forage plants, or adjacent or nearby lands;

2803 (ii) Wildlife in adjoining or nearby areas;

2804 (iii) Fish and other aquatic life in waters in reasonable proximity to
2805 the area to be treated;

2806 (iv) Beneficial insects, animals or man.

2807 (d) The commissioner is authorized to exercise all incidental powers
2808 including prescribing regulations, in accordance with the provisions of
2809 chapter 54, to comply with FIFRA.

2810 Sec. 77. Section 22a-209h of the general statutes is repealed and the
2811 following is substituted in lieu thereof (*Effective October 1, 2002*):

2812 [(a)] Each manufacturer of electric lamps containing mercury sold in
2813 this state, in consultation with the Commissioner of Environmental
2814 Protection and the Connecticut Resources Recovery Authority, shall
2815 provide to any distributor of such lamps written information stating
2816 that mercury is contained in such lamps and a description of the laws
2817 of this state governing management of spent lamps containing
2818 mercury. Each such manufacturer shall provide such information
2819 either on each such lamp containing mercury, or in or on the
2820 packaging of each such lamp containing mercury, or in a sufficient
2821 amount of printed material provided to retailers to allow retailers to
2822 make such information available to any consumer purchasing any
2823 such lamp containing mercury. Each such manufacturer shall provide

2824 to each municipality in this state information regarding the
2825 appropriate management of spent lamps containing mercury.

2826 [(b) On or before January 1, 2001, the Connecticut Resources
2827 Recovery Authority shall report to the joint standing committee of the
2828 General Assembly having cognizance of matters relating to the
2829 environment regarding any changes which said authority has detected
2830 in the amount of mercury-containing products in the waste stream
2831 over the previous two years.]

2832 Sec. 78. Section 22a-219a of the general statutes is repealed and the
2833 following is substituted in lieu thereof (*Effective October 1, 2002*):

2834 For the purposes of [sections 22a-219b and 22a-219c] section 22a-
2835 219b:

2836 (1) "Resources recovery facility" means a facility utilizing processes
2837 to reclaim energy from solid wastes;

2838 (2) "Long-term" means the useful life of a resources recovery facility
2839 or the term of financing of such facility or any other period established
2840 by the commissioner by regulations adopted in accordance with the
2841 provisions of chapter 54;

2842 (3) "Date of commercial operation of a resources recovery facility"
2843 means the date such facility routinely and effectively accepts and
2844 processes an amount of solid waste that is seventy-five per cent of the
2845 design capacity of the facility.

2846 Sec. 79. Section 22a-285i of the general statutes is repealed and the
2847 following is substituted in lieu thereof (*Effective October 1, 2002*):

2848 The chief elected official, or [his] such official's designee, of the
2849 municipality in which the ash residue disposal area established under
2850 sections 16-50j, 22a-208b and 22a-285 to 22a-285k, inclusive, is located
2851 shall have the right to enter on and inspect such area and may be
2852 delegated authority by the commissioner under section 22a-2a to
2853 conduct inspections in connection with enforcement of the provisions

2854 of sections 22a-208 to [22a-219] 22a-218, inclusive.

2855 Sec. 80. Section 22a-285j of the general statutes is repealed and the
2856 following is substituted in lieu thereof (*Effective October 1, 2002*):

2857 The chief elected official of the municipality in which an ash residue
2858 disposal area established under section 22a-285a is located may submit
2859 a petition to the commissioner alleging a violation of sections 22a-208a
2860 to [22a-219] 22a-218, inclusive. The commissioner shall investigate the
2861 alleged violations and within fourteen days of receipt of the petition
2862 provide the chief elected official of such municipality with a written
2863 report of [his] the commissioner's investigation and any action taken or
2864 proposed to be taken. Any municipality that has submitted a petition
2865 to the Commissioner of Environmental Protection pursuant to this
2866 section or any landowner whose property abuts or is located within
2867 one thousand feet of the ash residue disposal area may bring an action
2868 to the superior court for the judicial district of Hartford to require the
2869 Connecticut Resources Recovery Authority to comply with the
2870 provisions of sections 22a-208a to [22a-219] 22a-218, inclusive,
2871 concerning the use or operation of such area.

2872 Sec. 81. Section 23-61b of the general statutes is repealed and the
2873 following is substituted in lieu thereof (*Effective October 1, 2002*):

2874 (a) No person shall advertise, solicit or contract to do arboriculture
2875 within this state at any time without a license issued in accordance
2876 with the provisions of this section, except that any person may
2877 improve or protect any tree on [his] such person's own premises or on
2878 the property of [his] such person's employer without securing such a
2879 license provided such activity does not violate the provisions of
2880 chapter 441, subsection (a) of section 23-61a [,] or this section. [or
2881 section 23-61d.] Application for such license shall be made to the
2882 Commissioner of Environmental Protection and shall contain such
2883 information regarding the applicant's qualifications and proposed
2884 operations and other relevant matters as the commissioner may
2885 require and shall be accompanied by a fee of twenty-five dollars which

2886 shall not be returnable.

2887 (b) The commissioner shall require the applicant to show upon
2888 examination that [he] the applicant possesses adequate knowledge
2889 concerning the proper methods of arboriculture and the dangers
2890 involved and the precautions to be taken in connection with these
2891 operations, together with knowledge concerning the proper use and
2892 application of pesticides and the danger involved and precautions to
2893 be taken in connection with their application. If the applicant is other
2894 than an individual, the applicant shall designate an officer, member or
2895 technician of the organization to take the examination, which designee
2896 shall be subject to approval of the commissioner except that any
2897 person who uses pesticides in arboriculture shall be licensed to do
2898 arboriculture or shall be a licensed commercial applicator under
2899 chapter 441. If the extent of the applicant's operations warrant, the
2900 commissioner may require more than one such member or technician
2901 to be examined. If the commissioner finds the applicant qualified, [he]
2902 the commissioner shall issue a license to perform arboriculture within
2903 this state. A license shall be valid for a period of five years. If the
2904 commissioner finds that the applicant is not qualified, or if [he] the
2905 commissioner refuses to issue a license for any other reason, [he] the
2906 commissioner shall so inform the applicant in writing, giving reasons
2907 for such refusal.

2908 (c) The commissioner may issue a license without examination to
2909 any nonresident who is licensed in another state under a law that
2910 provides substantially similar qualifications for licensure and which
2911 grants similar privileges of licensure without examination to residents
2912 of this state licensed under the provisions of this section.

2913 (d) Each licensee shall pay a license renewal fee of one hundred fifty
2914 dollars for each renewal. All examination and license renewal fees
2915 shall be deposited as provided in section 4-32, and any expenses
2916 incurred by the commissioner in making examinations, issuing
2917 certificates, inspecting tree work or performing any duties of the
2918 commissioner shall be charged against appropriations of the General

2919 Fund.

2920 (e) Each licensee shall maintain and, upon request, furnish such
2921 records concerning licensed activities as the commissioner may
2922 require.

2923 (f) The commissioner may suspend for not more than ten days and,
2924 after notice and hearing as provided in any regulations established by
2925 the commissioner, [he] may suspend for additional periods, or [he] the
2926 commissioner may revoke, any license issued under this section if [he]
2927 the commissioner finds that the licensee is no longer qualified or has
2928 violated any provision of [sections 23-61a to 23-61d, inclusive] section
2929 23-61a or this section, or any regulation adopted thereunder.

2930 (g) The Commissioner of Environmental Protection, in consultation
2931 with the board, shall establish standards for examining applicants and
2932 reexamining applicators with respect to the proper use and application
2933 of pesticides and agricultural methods. Such standards shall provide
2934 that in order to be certified, an individual shall be competent with
2935 respect to the use and handling of pesticides or the use and handling
2936 of the pesticide or class of pesticides covered by such individual's
2937 application or certification and in the proper and safe application of
2938 recognized arboricultural methods.

2939 (h) Any licensed arborist shall be considered to be a certified
2940 applicator under section 22a-54 with respect to the use of pesticides.

2941 Sec. 82. Section 23-61f of the general statutes is repealed and the
2942 following is substituted in lieu thereof (*Effective October 1, 2002*):

2943 (a) Any person who violates any provision of subsection (b), (c) or
2944 (d) of section 23-61b, as amended by this act, [or section 23-61d] or of
2945 any regulation issued under subsection (e) of section 23-61a shall be
2946 fined not more than two hundred dollars.

2947 (b) Any person who violates any provision of chapter 441 or
2948 [sections 23-61a to 23-61d, inclusive,] section 23-61a shall be considered

2949 under the jurisdiction of the Commissioner of Environmental
2950 Protection.

2951 (c) Any person who violates any provision of subsection (a) of
2952 section 23-61b, as amended by this act, [or section 23-61d] shall be
2953 assessed a civil penalty of not less than one thousand dollars but not
2954 more than two thousand five hundred dollars for each day such
2955 violation continues. The Attorney General, upon complaint of the
2956 commissioner, shall institute a civil action in the superior court for the
2957 judicial district of Hartford to recover such penalty. Any such action
2958 shall have precedence in the order of trial as provided in section 52-
2959 191.

2960 Sec. 83. Section 25-32g of the general statutes, as amended by section
2961 2 of public act 01-185, is repealed and the following is substituted in
2962 lieu thereof (*Effective October 1, 2002*):

2963 If the Commissioner of Public Health finds after investigation that
2964 any person is causing, engaging in or maintaining, or is about to cause,
2965 engage in or maintain, any condition or activity which violates any
2966 provision of sections 19a-36 to 19a-39, inclusive, or sections 25-32 to
2967 [25-54] 25-53, inclusive, as amended, or any regulation or permit
2968 adopted or issued thereunder and constitutes an immediate threat to
2969 the quality or adequacy of any source of water supply, the
2970 commissioner may, without prior hearing, issue an order in writing to
2971 such person to discontinue, abate, alleviate or correct such condition or
2972 activity. Upon receipt of such an order such person shall immediately
2973 discontinue, abate, alleviate or correct such condition or activity. The
2974 commissioner shall, within ten days after such order, hold a hearing to
2975 provide the person an opportunity to be heard and show that such
2976 condition, activity or violation does not exist. The local director of
2977 health in the municipality or municipalities in which such violation
2978 occurred or that utilize such water shall have the right to be heard in
2979 such proceeding. Such order shall remain in effect until ten days after
2980 the hearing within which time a new decision based on the hearing
2981 shall be made.

2982 Sec. 84. Section 26-55 of the general statutes is repealed and the
2983 following is substituted in lieu thereof (*Effective October 1, 2002*):

2984 No person shall import or introduce into the state, or possess or
2985 liberate therein, any live fish, wild bird, wild quadruped, reptile or
2986 amphibian unless such person has obtained a permit therefor from the
2987 commissioner. Such permit may be issued at the discretion of the
2988 commissioner under such regulations as [he] the commissioner may
2989 prescribe. The commissioner may by regulation prescribe the numbers
2990 of live fish, wild birds, wild quadrupeds, reptiles and amphibians of
2991 certain species which may be imported, possessed, introduced into the
2992 state or liberated therein. The commissioner may by regulation exempt
2993 certain species or groups of live fish from the permit requirements.
2994 [He] The commissioner may by regulation determine which species of
2995 wild birds, wild quadrupeds, reptiles and amphibians must meet
2996 permit requirements. [He] The commissioner may totally prohibit the
2997 importation, possession, introduction into the state or liberation
2998 therein of certain species which [he] the commissioner has determined
2999 may be a potential threat to humans, agricultural crops or established
3000 species of plants, fish, birds, quadrupeds, reptiles or amphibians. The
3001 commissioner may by regulation exempt from permit requirements
3002 organizations or institutions such as zoos, research laboratories,
3003 colleges or universities, public nonprofit aquaria or nature centers
3004 where live fish, wild birds, wild quadrupeds, reptiles and amphibians
3005 are held in strict confinement. Any such fish, bird, quadruped, reptile
3006 or amphibian illegally imported into the state or illegally possessed
3007 therein shall be seized by any representative of the Department of
3008 Environmental Protection and shall be disposed of as determined by
3009 the commissioner. Any person [, except as provided in section 26-55a,]
3010 who violates any provision of this section or any regulation issued by
3011 the commissioner as herein provided shall be guilty of an infraction.
3012 Importation, liberation or possession of each fish, wild bird, wild
3013 quadruped, reptile or amphibian in violation of this section or such
3014 regulation shall be a separate and distinct offense and, in the case of a
3015 continuing violation each day of continuance thereof shall be deemed

3016 to be a separate and distinct offense.

3017 Sec. 85. Section 29-391 of the general statutes is repealed and the
3018 following is substituted in lieu thereof (*Effective October 1, 2002*):

3019 In any case in which any person suffers injury or in which the death
3020 of any person ensues in consequence of the failure of the owner of any
3021 building to provide the same with fire escapes or stairways as required
3022 by the provisions of [sections 29-389 and] section 29-390 or in
3023 consequence of the failure of such owner to comply with any order of
3024 the Labor Commissioner, made in conformity to the provisions
3025 thereof, such owner shall be liable to any person so injured for
3026 damages for such injury; and, in case of death, such owner shall be
3027 liable in damages for the injury caused by the death of such person. It
3028 shall be no defense to any action for the recovery of such damages that
3029 the person injured or whose death ensued as aforesaid had knowledge
3030 that such building was not provided with fire escapes or stairways as
3031 required by said sections or that such person continued to work in or
3032 to occupy such building with such knowledge. The owner of any
3033 building or, if such owner is non compos mentis or a minor, the
3034 guardian of such owner or, if such owner is a nonresident, the agent of
3035 such owner having charge of such property who fails to comply with
3036 the provisions of [sections 29-389 and] section 29-390 shall be fined not
3037 less than one hundred dollars nor more than five hundred dollars or
3038 imprisoned not more than three months or be both fined and
3039 imprisoned.

3040 Sec. 86. Section 31-44 of the general statutes is repealed and the
3041 following is substituted in lieu thereof (*Effective October 1, 2002*):

3042 Each owner, lessee or occupant of a factory or other building
3043 included within the provisions of this chapter, or owning or
3044 controlling the use of any room in such building, shall, for the
3045 violation of any provision of section [31-34,] 31-42 or 31-43, or for
3046 obstructing or hindering the commissioner or [his] the commissioner's
3047 deputies in carrying out the duties imposed on them by law, be fined

3048 not more than fifty dollars; but no prosecution shall be brought for any
3049 such violation until four weeks after notice has been given by the
3050 commissioner to such owner, lessee or occupant of any changes
3051 necessary to be made to comply with the provisions of said sections,
3052 and not then if, in the meantime, such changes have been made in
3053 accordance with such notification. Nothing herein shall limit the right
3054 of a person injured to bring an action to recover damages.

3055 Sec. 87. Section 32-97 of the general statutes is repealed and the
3056 following is substituted in lieu thereof (*Effective October 1, 2002*):

3057 The council shall make a report to the Governor on or before the
3058 thirty-first day of January each year. The report shall include a
3059 summary of the activities of the council for the preceding year and any
3060 recommendations for legislation as may be necessary to promote the
3061 purposes of sections 32-96 to [32-101] 32-100, inclusive, as amended by
3062 this act.

3063 Sec. 88. Section 32-99 of the general statutes is repealed and the
3064 following is substituted in lieu thereof (*Effective October 1, 2002*):

3065 The council shall have the following powers: (1) To request and
3066 obtain from any department, board, commission or other agency of the
3067 state or of any municipality, authority or other political subdivision
3068 within the state such assistance and data as will enable it to carry out
3069 the purposes of sections 32-96 to [32-101] 32-100, inclusive, as amended
3070 by this act; (2) to accept any federal funds granted for all or any of the
3071 purposes of said sections; (3) to accept any gifts, donations, bequests or
3072 grants of funds from private and public agencies for all or any of the
3073 purposes of said sections; (4) to coordinate the activities of any boards
3074 or commissions appointed by any municipality within the state for all
3075 or any of the purposes of said sections; and (5) to perform such other
3076 acts as may be necessary and appropriate to carry out the objectives
3077 and purposes of said sections.

3078 Sec. 89. Section 36a-30 of the general statutes is repealed and the
3079 following is substituted in lieu thereof (*Effective October 1, 2002*):

3080 (a) As used in sections 36a-30 to 36a-33, inclusive, as amended by
3081 this act, unless the context otherwise requires:

3082 (1) "Bank" means any bank or out-of-state bank that maintains in
3083 this state a branch as defined in section 36a-410. "Bank" does not
3084 include special purpose banks that do not perform commercial or retail
3085 banking services in which credit is granted to the public in the
3086 ordinary course of business, other than as an incident to their
3087 specialized operations, including, but not limited to, banker's banks
3088 and banks that engage only in one or more of the following activities:
3089 Providing cash management controlled disbursement services or
3090 serving as correspondent banks, trust companies or clearing agents.

3091 (2) "Federal CRA" means (A) the federal Community Reinvestment
3092 Act of 1977, 12 USC Section 2901 et seq., as from time to time amended,
3093 and (B) the regulations implementing said act adopted by the federal
3094 financial supervisory agencies as set forth in 12 CFR Part 25, 12 CFR
3095 Part 228, 12 CFR Part 345 and 12 CFR Part 563e, as from time to time
3096 amended, and as applicable to the specific type of bank.

3097 (3) "Federal financial supervisory agency" means the Office of the
3098 Comptroller of the Currency, the Board of Governors of the Federal
3099 Reserve System, the Federal Deposit Insurance Corporation, the Office
3100 of Thrift Supervision and any successor to any of the foregoing
3101 agencies, as applicable to the specific type of bank.

3102 (b) The commissioner shall assess the record of each bank in
3103 satisfying its continuing and affirmative obligations to help meet the
3104 credit needs of its local communities, including low and moderate-
3105 income neighborhoods, consistent with the safe and sound operation
3106 of such banks, and shall provide for the consideration of such records
3107 in connection with any application listed in subsection (c) of section
3108 36a-32.

3109 (c) Each bank shall, in accordance with the provisions of federal
3110 CRA and without excluding low and moderate-income
3111 neighborhoods, delineate the local community or communities that

3112 comprise its entire community within this state or delineate one or
3113 more assessment areas, as applicable, within which the commissioner
3114 shall evaluate the bank's record of helping to meet the credit needs of
3115 its entire community in this state. The commissioner shall review the
3116 delineation for compliance with federal CRA and this subsection in
3117 connection with an examination of the bank under section 36a-17.

3118 [(d) Until, but not after June 30, 1997, unless otherwise provided by
3119 federal CRA:

3120 (1) The governing board of each bank shall adopt a community
3121 reinvestment statement for each delineated community. Each such
3122 statement shall include at least the following: (A) The delineation of
3123 the local community; (B) a list of specific types of credit within certain
3124 categories such as residential loans for one to four dwelling units,
3125 residential loans for five dwelling units and over, housing
3126 rehabilitation loans, home improvement loans, small business loans,
3127 farm loans, community development loans, commercial loans and
3128 consumer loans that the bank is prepared to extend within the local
3129 community; and (C) a copy of the community reinvestment notice as
3130 provided in section 36a-31.

3131 (2) Each bank may include the following in each community
3132 reinvestment statement: (A) A description of how its current efforts,
3133 including special credit-related programs, help to meet community
3134 credit needs; (B) a periodic report regarding its record of helping to
3135 meet community credit needs; and (C) a description of its efforts to
3136 ascertain the credit needs of its community, including efforts to
3137 communicate with members of its community regarding credit
3138 services. Any community reinvestment statements in effect during the
3139 preceding two years shall be placed in the bank's public file.

3140 (3) Each bank's governing board shall review each community
3141 reinvestment statement at least annually and shall act upon any
3142 material change made in the interim at its first regular meeting after
3143 the change. Such actions shall be noted in its minutes. Each current

3144 community reinvestment statement shall be readily available for
3145 public inspection (A) at the main office of the bank, and (B) at each
3146 office of the bank in the local community delineated in such statement,
3147 except satellite devices. Copies of each current community
3148 reinvestment statement shall be provided to the public upon request.
3149 A bank may charge a reasonable fee not to exceed the cost of copying
3150 and mailing, if applicable.]

3151 [(e)] (d) Each bank shall collect and report loan information in
3152 accordance with the applicable requirements of federal CRA. Each
3153 bank shall file with the commissioner a copy of each CRA disclosure
3154 statement prepared for such bank by a federal financial supervisory
3155 agency under federal CRA within thirty business days after receiving
3156 the statement.

3157 [(f)] (e) Copies of the public section of the most recent community
3158 reinvestment performance evaluation prepared by the commissioner
3159 pursuant to subsection (b) of section 36a-32 shall be provided to the
3160 public upon request. A bank may charge a reasonable fee not to exceed
3161 the cost of copying and mailing, if applicable.

3162 [(g)] (f) Each bank shall maintain a public file in accordance with
3163 federal CRA. Each bank shall place a copy of the public section of the
3164 bank's most recent community reinvestment performance evaluation
3165 prepared by the commissioner pursuant to subsection (b) of section
3166 36a-32 in the public file within thirty business days after its receipt
3167 from the commissioner. The bank may also include in the public file
3168 any response to such performance evaluation that the bank wishes to
3169 make. The bank shall make a copy of the public section of such
3170 performance evaluation available to the public for inspection upon
3171 request and at no cost at the bank's main office and at each of its
3172 branches in this state. Any bank that received a less than satisfactory
3173 rating during its most recent examination under section 36a-32 shall
3174 include in its public file a description of its current efforts to improve
3175 its performance in helping to meet the credit needs of its entire
3176 community. The bank shall update the description quarterly.

3177 [(h)] (g) The commissioner may assess a bank's record of helping to
 3178 meet the credit needs of its assessment areas under a strategic plan
 3179 pursuant to federal CRA, provided (1) the strategic plan is filed with
 3180 the commissioner concurrently with its submission by the bank to a
 3181 federal financial supervisory agency for approval under federal CRA,
 3182 and (2) the strategic plan is approved by the commissioner.

3183 Sec. 90. Subsection (e) of section 36a-31 of the general statutes is
 3184 repealed and the following is substituted in lieu thereof (*Effective*
 3185 *October 1, 2002*):

3186 (e) The information, statements, evaluations and notices required
 3187 under this section and [subsections (d) and (g)] subsection (f) of section
 3188 36a-30, as amended by this act, may be combined with or attached to
 3189 the information, statements, evaluations and notices required under
 3190 federal CRA.

3191 Sec. 91. Subsection (l) of section 36a-70 of the general statutes is
 3192 repealed and the following is substituted in lieu thereof (*Effective*
 3193 *October 1, 2002*):

3194 (l) The approving authority shall cause to be made an examination
 3195 of the proposed Connecticut bank upon notice from the organizers that
 3196 the following conditions have occurred: (1) The proposed bank has
 3197 been fully organized according to law; (2) the State Treasurer has been
 3198 paid the franchise tax and filing fee specified in subsection (o) of this
 3199 section; (3) the proposed bank has raised the minimum equity capital
 3200 required; and (4) in the case of a proposed capital stock Connecticut
 3201 bank, a certified list of each subscriber who will own at least five per
 3202 cent of any class of voting securities of the proposed bank, showing the
 3203 number of shares owned by each, has been filed with the
 3204 commissioner. If all provisions of law have been complied with, a final
 3205 certificate of authority to commence the business for which the bank
 3206 was organized shall be issued by the approving authority. [except as
 3207 provided in subdivision (5) of subsection (r) of this section.] One copy
 3208 of the final certificate shall be filed with the Secretary of the State, one

3209 copy shall be retained by the bank, and one copy shall be retained by
3210 the commissioner.

3211 Sec. 92. Subsection (r) of section 36a-70 of the general statutes, as
3212 amended by section 2 of public act 01-183, is repealed and the
3213 following is substituted in lieu thereof (*Effective October 1, 2002*):

3214 (r) (1) As used in this subsection and section 36a-252, as amended,
3215 "community bank" means a Connecticut bank that is organized
3216 pursuant to this subsection and is subject to the provisions of this
3217 subsection and section 36a-252, as amended.

3218 (2) One or more persons may organize a community bank in
3219 accordance with the provisions of this section, except that subsection
3220 (g) of this section shall not apply. Any such community bank shall
3221 commence business with a minimum equity capital of at least three
3222 million dollars. The approving authority for a community bank shall
3223 be the commissioner acting alone. In addition to the considerations
3224 and determinations required by subsection (h) of this section, before
3225 granting a temporary certificate of authority to organize a community
3226 bank, the approving authority shall determine that (A) each of the
3227 proposed directors and proposed executive officers, as defined in
3228 subparagraph (D) of subdivision (3) of this subsection, possesses
3229 capacity and fitness for the duties and responsibilities with which such
3230 director or officer will be charged, and (B) there is satisfactory
3231 community support for the proposed community bank based on
3232 evidence of such support provided by the organizers to the approving
3233 authority. If the approving authority cannot make such determination
3234 with respect to any such proposed director or proposed executive
3235 officer, the approving authority may refuse to allow such proposed
3236 director or proposed executive officer to serve in such capacity in the
3237 proposed community bank.

3238 (3) A community bank shall have all of the powers of and be subject
3239 to all of the requirements and limitations applicable to a Connecticut
3240 bank under this title which are not inconsistent with this subsection,

3241 except: (A) No community bank may (i) exercise any of the fiduciary
3242 powers granted to Connecticut banks by law until express authority
3243 therefor has been given by the approving authority, (ii) establish and
3244 maintain one or more mutual funds, (iii) invest in derivative securities
3245 other than mortgage backed securities fully guaranteed by
3246 governmental agencies or government sponsored agencies, (iv) own
3247 any real estate for the present or future use of the bank unless the
3248 approving authority finds, based on an independently prepared
3249 analysis of costs and benefits, that it would be less costly to the bank to
3250 own instead of lease such real estate, or (v) make mortgage loans
3251 secured by nonresidential real estate the aggregate amount of which, at
3252 the time of origination, exceeds ten per cent of all assets of such bank;
3253 (B) the aggregate amount of all loans made by a community bank shall
3254 not exceed eighty per cent of the total deposits held by such bank; (C)
3255 (i) the total direct or indirect liabilities of any one obligor, whether or
3256 not fully secured and however incurred, to any community bank,
3257 exclusive of such bank's investment in the investment securities of
3258 such obligor, shall not exceed at the time incurred ten per cent of the
3259 equity capital and reserves for loan and lease losses of such bank, and
3260 (ii) the limitations set forth in subsection (a) of section 36a-262 shall
3261 apply to this subparagraph; and (D) the limitations set forth in
3262 subsection (a) of section 36a-263 shall apply to all community banks,
3263 provided, a community bank may (i) make a mortgage loan to any
3264 director or executive officer secured by premises occupied or to be
3265 occupied by such director or officer as a primary residence, (ii) make
3266 an educational loan to any director or executive officer for the
3267 education of any child of such director or executive officer, and (iii)
3268 extend credit to any director or executive officer in an amount not
3269 exceeding ten thousand dollars for extensions of credit not otherwise
3270 specifically authorized in this subparagraph. The aggregate amount of
3271 all loans or extensions of credit made by a community bank pursuant
3272 to this subparagraph shall not exceed thirty-three and one-third per
3273 cent of the equity capital and reserves for loan and lease losses of such
3274 bank. As used in this subparagraph, "executive officer" means every
3275 officer of a community bank who participates or has authority to

3276 participate, other than in the capacity of a director, in major
3277 policy-making functions of the bank, regardless of whether such
3278 officer has an official title or whether such officer serves without salary
3279 or other compensation. The vice president, chief financial officer,
3280 secretary and treasurer of a community bank are presumed to be
3281 executive officers unless, by resolution of the governing board or by
3282 the bank's bylaws, any such officer is excluded from participation in
3283 major policy-making functions, other than in the capacity of a director
3284 of the bank, and such officer does not actually participate in major
3285 policy-making functions.

3286 (4) The audit and examination requirements set forth in section
3287 36a-86, as amended, shall apply to each community bank.

3288 [(5) Any organizers who filed an application to organize a
3289 Connecticut bank under this section prior to November 1, 1996, and
3290 have not been issued or denied a final certificate of authority under
3291 subsection (l) of this section, and who give notice to the applicable
3292 approving authority specified in subsection (h) of this section that the
3293 proposed bank has raised equity capital in an amount not less than
3294 three million dollars, may amend such application to an application to
3295 organize a community bank under this subsection. Such organizers
3296 shall file (A) an amended certificate of incorporation limiting the
3297 powers of the proposed bank in accordance with this subsection, (B) an
3298 amended proposed business plan, (C) an amended feasibility study,
3299 (D) an amended three-year financial forecast prepared by a certified
3300 public accounting firm or other professional firm approved by the
3301 commissioner, and (E) evidence satisfactory to the approving authority
3302 under this subsection that there is community support for the
3303 proposed community bank. Within twenty days after receipt of the
3304 amended feasibility study, the commissioner may, at the expense of
3305 the organizers, order an independent feasibility study. The approving
3306 authority under this subsection shall make the considerations and
3307 determinations required by subdivision (2) of this subsection. If the
3308 amended application is approved by the approving authority under
3309 this subsection and the organizers have given notice to said approving

3310 authority that the requirements of subsection (l) of this section have
3311 been met, a final certificate of authority to commence business as a
3312 community bank shall be issued by the approving authority under this
3313 subsection.]

3314 [(6)] (5) The commissioner may adopt regulations, in accordance
3315 with chapter 54, to administer the provisions of this subsection and
3316 section 36a-252, as amended.

3317 Sec. 93. Section 36a-366 of the general statutes is repealed and the
3318 following is substituted in lieu thereof (*Effective October 1, 2002*):

3319 (a) Any fiduciary qualified to act as such in this state may establish
3320 one or more common trust funds and may invest funds which it holds
3321 as fiduciary in those common trust funds, provided: (1) Such
3322 investment is specifically permitted by the instrument, judgment,
3323 decree or order creating the fiduciary relationship; (2) the fiduciary
3324 may exercise discretion with respect to investments; (3) such funds are
3325 held by the fiduciary as guardian; or (4) the fiduciary relationship is
3326 not created by an instrument, judgment, order or decree which
3327 specifically prohibits such investment.

3328 (b) No fiduciary shall invest or accept for investment any funds in
3329 common trust funds other than in its fiduciary capacity.

3330 (c) A bank may invest funds that it holds as a fiduciary in any
3331 common trust fund established by a bank or out-of-state bank
3332 provided: (1) Such investment is specifically permitted by the
3333 instrument, judgment, decree or order creating the fiduciary
3334 relationship; (2) the fiduciary may exercise discretion with respect to
3335 investments; or (3) such funds are held by the fiduciary as guardian,
3336 conservator or any other court appointed fiduciary.

3337 (d) Notwithstanding the provisions of subsection (c) of this section,
3338 no Connecticut bank shall invest any funds that it holds as a fiduciary
3339 in any common trust fund in another state unless such fund is subject
3340 to statutes, rules or regulations of another state which are substantially

3341 similar to the provisions of this section, or unless such fund is subject
3342 to statutes, rules or regulations applicable to a national banking
3343 association.

3344 [(e) The provisions of sections 53-313 to 53-316, inclusive, shall not
3345 apply to a common trust fund established under this section or its
3346 fiduciary or to a collective managing agency account established under
3347 section 36a-368 or its managing agent.]

3348 Sec. 94. Section 36a-425 of the general statutes, as amended by
3349 section 8 of public act 01-183, is repealed and the following is
3350 substituted in lieu thereof (*Effective October 1, 2002*):

3351 (a) Except as otherwise provided in this title, no foreign banking
3352 corporation shall transact in this state the business authorized by its
3353 certificate of incorporation or by the laws of the state under which it
3354 was organized, unless empowered to do so by any provision of the
3355 general statutes or any special act of this state; provided, without
3356 excluding other activities which may not constitute transacting
3357 business in this state, no such foreign banking corporation shall be
3358 deemed to be doing or transacting business in this state for purposes of
3359 this section by reason of its acting as an investment adviser to the State
3360 Treasurer or by reason of its making loans whether secured or
3361 unsecured. For purposes of this section, "foreign banking corporation"
3362 means a banking corporation which is organized under the laws of or
3363 has its principal office in any state other than Connecticut or any
3364 foreign country. Notwithstanding the provisions of this subsection, a
3365 foreign banking corporation which transacts business in this state for
3366 the purposes of section 33-920 or section 33-1210 shall comply with the
3367 requirements of subsection (a) of section 33-920 or subsection (a) of
3368 section 33-1210.

3369 (b) Except as otherwise provided in this title, no foreign banking
3370 corporation, holding company, subsidiary of a holding company, or
3371 subsidiary or affiliate of a banking corporation may establish or
3372 maintain an office in this state if such office will be used to enable such

3373 corporation, holding company or subsidiary or affiliate to engage in
3374 banking business in Connecticut. If the commissioner determines that
3375 an office is being used to enable the corporation, holding company or
3376 subsidiary or affiliate to engage in banking business in Connecticut,
3377 the commissioner shall order that such office be closed or take action
3378 against such entities in accordance with section 36a-50. The
3379 establishment or maintenance of an office in this state which will not
3380 enable a foreign banking corporation, holding company, subsidiary of
3381 a holding company, or subsidiary or affiliate of a banking corporation
3382 to engage in banking business in Connecticut does not violate the
3383 provisions of subsection (a) of this section. For the purpose of this
3384 subsection, the term "banking business" shall include, but shall not be
3385 limited to, receiving deposits, paying checks, lending money and any
3386 activity which is determined by the commissioner to be so closely
3387 related to banking as to be a proper incident thereto.

3388 (c) The provisions of subsection (b) of this section shall not apply to:
3389 (1) An office of a bank; (2) an office established or maintained for the
3390 purpose of managing or controlling a bank; (3) an office of a subsidiary
3391 of a bank, which subsidiary is limited to carrying on one or more of the
3392 functions which such bank may carry on directly in the exercise of its
3393 express or implied powers; (4) an office of a holding company or
3394 subsidiary of a holding company or banking corporation which
3395 required and which had received all requisite state and federal
3396 authorization and was open for business prior to June 1, 1984,
3397 provided such office may not engage in any activities other than those
3398 for which it had authorization and in which it was actually engaged on
3399 June 1, 1984; (5) an office established or maintained pursuant to
3400 subsection (d) of this section; (6) an office of a foreign bank that is a
3401 federal branch or a federal agency; or (7) an office of a subsidiary of a
3402 foreign bank that has a federal branch or a state branch in this state,
3403 which subsidiary is limited to carrying on one or more of the functions
3404 which such branch of such foreign bank may carry on directly.

3405 (d) Any holding company may establish or maintain, either directly
3406 or through any subsidiary of such holding company that is not a

3407 banking corporation, and any banking corporation that is not a
 3408 subsidiary of a holding company may establish or maintain, through
 3409 any of its subsidiaries that are not banking corporations, one or more
 3410 offices for the purpose of engaging in banking business other than to
 3411 provide deposit services in this state. No office established or
 3412 maintained under this subsection may be converted into an office that
 3413 engages in banking business which includes providing deposit
 3414 services. For purposes of this subsection, "deposit services" includes
 3415 but is not limited to, deposits, withdrawals, advances, payments and
 3416 transfers of funds to or from a deposit account.

3417 (e) [(1)] Any person who establishes or maintains an office or
 3418 transacts business in this state in violation of this section shall be
 3419 subject to the penalties imposed by subsection (d) of section 33-921.

3420 [(2) The provisions of subsections (a), (b) and (c) of section 33-921
 3421 shall not be applicable to any foreign banking corporation by reason of
 3422 its maintenance of an office or its transaction of business in this state in
 3423 violation of this section before May 31, 1991, provided nothing in this
 3424 subdivision shall be construed to affect any action pending on May 31,
 3425 1991.]

3426 (f) Any person may bring an action in any court of competent
 3427 jurisdiction to enjoin any person from violating the provisions of this
 3428 section.

3429 Sec. 95. Section 38a-317 of the general statutes, as amended by
 3430 section 7 of public act 01-174, is repealed and the following is
 3431 substituted in lieu thereof (*Effective October 1, 2002*):

3432 A mobile homeowner shall be a homeowner for purposes of
 3433 sections 38a-72 to 38a-75, inclusive, 38a-285, [38a-286,] 38a-305 to 38a-
 3434 318, inclusive, as amended, 38a-328, 38a-663 to 38a-696, inclusive, as
 3435 amended, 38a-827 and 38a-894 to 38a-898, inclusive, as amended, and
 3436 homeowners policies as regulated under said sections shall be offered
 3437 on the same terms to such an owner as to other homeowners, when
 3438 such mobile homeowner owns and occupies a mobile dwelling

3439 equipped for year-round living which is permanently attached to a
3440 permanent foundation on property owned or leased by such mobile
3441 homeowner, is connected to utilities, is assessed as real property on the
3442 tax list of the town in which it is located and is in conformance with
3443 applicable state and local laws and ordinances.

3444 Sec. 96. Subsection (b) of section 51-164n of the general statutes, as
3445 amended by section 5 of public act 01-186, is repealed and the
3446 following is substituted in lieu thereof (*Effective October 1, 2002*):

3447 (b) Notwithstanding any provision of the general statutes to the
3448 contrary, any person who is alleged to have committed (1) a violation
3449 under the provisions of section 1-9, [1-10,] 1-11, 4b-13, 7-13, 7-14, [7-18,]
3450 7-35, 7-41, as amended, 7-83, [7-104,] 7-283, 7-325, 7-393, 8-25, as
3451 amended, 8-27, 9-63, 9-296, 9-305, [9-322,] 9-350, 10-193, 10-197, 10-198,
3452 10-230, 10-251, 10-254, 12-52, 12-170aa, as amended, 12-292, 12-326g,
3453 subsection (4) of section 12-408, subsection (3), (5) or (6) of section 12-
3454 411, section 12-435c, 12-476a, 12-476b, 12-487, 13a-71, 13a-107, 13a-113,
3455 13a-114, 13a-115, 13a-117b, 13a-123, 13a-124, 13a-139, 13a-140, 13a-
3456 143b, 13a-247, 13a-253, subsection (f) of section 13b-42, section 13b-90,
3457 13b-221, [13b-224,] 13b-292, 13b-336, 13b-337, 13b-338, 13b-410a, 13b-
3458 410b, 13b-410c, subsection (a), (b) or (c) of section 13b-412, section 13b-
3459 414, subsection (d) of section 14-12, section 14-20a, 14-27a, subsection
3460 (e) of section 14-34a, subsection (d) of section 14-35, section 14-43, 14-
3461 49, 14-50a, 14-58, subsection (b) of section 14-66, section 14-66a, 14-66b,
3462 14-67a, subsection (f) of section 14-80h, section 14-97a, section 14-100b,
3463 14-103a, 14-106a, 14-106c, 14-146, 14-152, 14-153, 14-163b, a first
3464 violation as specified in subsection (f) of section 14-164i, section 14-219
3465 specified in subsection (e) of said section, subsection (b) of section 14-
3466 227a, section 14-240, 14-249, 14-250, subsection (a), (b) or (c) of section
3467 14-261a, section 14-262, 14-264, 14-267a, 14-269, 14-270, 14-275a, 14-278,
3468 14-279, as amended, subsection (e) of section 14-283, as amended,
3469 section 14-291, 14-293b, 14-319, 14-320, 14-321, 14-325a, 14-326, 14-330,
3470 14-332a, subdivision (1), (2) or (3) of section 14-386a, section 15-33,
3471 subsection (a) of section 15-115, section 16-256, 16-256e, 16a-15, 16a-22,
3472 subsection (a) or (b) of section 16a-22h, section 17a-24, 17a-145, 17a-149,

3473 17a-152, 17a-465, 17a-642, 17b-124, 17b-131, 17b-137, as amended, 17b-
 3474 407, 17b-451, as amended, 17b-734, subsection (b) of section 17b-736,
 3475 19a-30, 19a-33, 19a-39, 19a-87, subsection (b) of section 19a-87a, section
 3476 19a-91, 19a-105, 19a-107, [19a-108,] 19a-215, 19a-219, 19a-222, 19a-224,
 3477 19a-286, as amended, 19a-287, 19a-297, 19a-301, 19a-309, 19a-335, 19a-
 3478 336, 19a-338, 19a-339, 19a-340, 19a-425, 19a-502, as amended, 20-7a, 20-
 3479 14, 20-158, 20-231, 20-257, as amended, 20-265, 20-324e, subsection (a)
 3480 of section 20-341, section 20-341l, 20-597, 20-608, 20-610, as amended,
 3481 21-30, 21-38, 21-39, 21-43, 21-47, 21-48, 21-63, 21-76a, 21a-21, 21a-25,
 3482 21a-26, 21a-30, [21a-31,] subsection (a) of section 21a-37, section 21a-46,
 3483 21a-61, 21a-63, 21a-77, subsection (b) of section 21a-79, as amended,
 3484 section 21a-85, 21a-154, 21a-159, 21a-201, 21a-211, 22-13, 22-14, 22-15,
 3485 22-16, 22-29, 22-34, 22-35, 22-36, 22-37, 22-38, 22-39, 22-39a, 22-39b, 22-
 3486 39c, 22-39d, 22-39e, 22-49, 22-54, 22-61, 22-89, 22-90, 22-98, 22-99, 22-
 3487 100, 22-111o, [22-123,] 22-279, 22-280a, 22-318a, 22-320h, 22-324a, 22-
 3488 326, 22-342, subsection (b) or (e) of section 22-344, section 22-359, 22-
 3489 366, 22-391, 22-413, 22-414, 22-415, 22a-66a, 22a-246, subsection (a) of
 3490 section 22a-250, subsection (e) of section 22a-256h, section 22a-449, 22a-
 3491 461, 23-37, as amended, 23-38, as amended, 23-46, 23-61b, as amended
 3492 by this act, subsection (a) or (b) of section 23-65, section 25-37, 25-40,
 3493 26-19, 26-21, 26-31, 26-40, 26-40a, 26-49, 26-54, 26-59, 26-61, 26-64, 26-79,
 3494 26-89, 26-97, 26-107, 26-117, as amended, 26-128, 26-131, 26-132, 26-138,
 3495 26-141, as amended, 26-207, 26-215, [26-221, 26-222,] 26-224a, 26-227,
 3496 26-230, [26-234, 26-267, 26-269,] 26-294, 28-13, 29-6a, 29-109, 29-161a, 29-
 3497 161b, 29-198, 29-210, 29-243, 29-277, 29-316, 29-318, 29-341, 29-381, 30-
 3498 48a, 30-86a, 31-3, 31-10, 31-11, 31-12, 31-13, 31-14, 31-15, 31-16, 31-18,
 3499 31-23, 31-24, 31-25, 31-28, 31-32, 31-36, 31-38, 31-38a, 31-40, 31-44, 31-47,
 3500 31-48, 31-51, 31-51k, 31-52, 31-52a, 31-54, subsection (a) or (c) of section
 3501 31-69, section 31-70, 31-74, 31-75, 31-76, 31-76a, 31-89b, 31-134,
 3502 subsection (g) of section 31-273, section 31-288, 36a-787, 42-230, [44-3,]
 3503 45a-450, 45a-634, 45a-658, subdivision (13) or (14) of section 46a-54, as
 3504 amended, section 46a-59, 46b-22, as amended, 46b-24, 46b-34, 47-34a,
 3505 47-47, 49-8a, 49-16, 53-133, subsection (a) or (b) of section 53-211,
 3506 section [53-212a,] 53-249a, 53-252, 53-264, [53-301,] 53-302a, 53-303e, 53-
 3507 311a, 53-321, 53-322, 53-323, as amended, 53-331, 53-344, as amended,

3508 or 53-450, or (2) a violation under the provisions of chapter 268, or (3) a
3509 violation of any regulation adopted in accordance with the provisions
3510 of section 12-484, 12-487 or 13b-410, shall follow the procedures set
3511 forth in this section.

3512 Sec. 97. Section 51-181c of the general statutes is repealed and the
3513 following is substituted in lieu thereof (*Effective October 1, 2002*):

3514 (a) The Chief Court Administrator shall designate one court location
3515 in which a community court pilot program is to be established where
3516 there shall be a docket separate from other criminal matters for the
3517 hearing of (1) criminal matters which are misdemeanor cases, (2)
3518 misdemeanor cases transferred by the housing session of the Superior
3519 Court, and (3) violations of municipal ordinances referred by
3520 municipalities, in accordance with policies and procedures established
3521 by the Chief Court Administrator.

3522 (b) The community court may accept transfers and referrals of cases
3523 pursuant to subdivisions (1) and (2) of subsection (a) of this section.
3524 The community court may order any person to participate in a
3525 community service program, (1) if the person has not previously been
3526 placed in such program, the court may suspend prosecution and place
3527 such person in such program or, upon a plea of guilty without trial,
3528 suspend any sentence of imprisonment and make participation in such
3529 program a condition of probation or conditional discharge in
3530 accordance with section 53a-30, as amended, or (2) if such person has
3531 previously been placed in such program, the court may, upon a plea of
3532 guilty without trial, suspend any sentence of imprisonment and make
3533 participation in such program a condition of probation or conditional
3534 discharge in accordance with said section 53a-30, as amended.

3535 (c) Any person for whom prosecution is suspended and who is
3536 placed in the community service program pursuant to subdivisions (1)
3537 and (2) of subsection (a) of this section shall agree to the tolling of the
3538 statute of limitations with respect to such crime and to a waiver of his
3539 right to a speedy trial. If the program monitor certifies to the court that

3540 such person successfully completed the community service program,
3541 the court shall make a finding of such satisfactory completion and
3542 dismiss the charges. If the program monitor certifies to the court that
3543 such person did not successfully complete the community service
3544 program to which he was assigned or is no longer amendable to
3545 participate in such program, the court shall enter a plea of not guilty
3546 for such person and transfer the case to the regular criminal docket
3547 and immediately place the case on the trial list except that cases
3548 accepted from the housing session pursuant to subdivision (2) of
3549 subsection (a) of this section shall be returned to the housing session.

3550 (d) The community court may accept transfers and referrals of
3551 violations of municipal ordinances under subdivision (3) of subsection
3552 (a) of this section whether or not any such person has been found
3553 guilty of such violation prior to such referral to community court. The
3554 community court may order any such person to participate in a
3555 community service program up to a maximum of twenty hours in lieu
3556 of, or in addition to, a fine for such violation. If the program monitor
3557 certifies to the court that such person successfully completed the
3558 community service program, the court shall make a finding of such
3559 satisfactory completion and dismiss the charges.

3560 [(e) The Chief Court Administrator shall establish policies and
3561 procedures to implement such pilot program and on or before January
3562 1, 1998, shall report recommendations for the possible expansion to
3563 two additional pilot sites to the judiciary committee of the General
3564 Assembly.]

3565 Sec. 98. Section 51-279c of the general statutes is repealed and the
3566 following is substituted in lieu thereof (*Effective October 1, 2002*):

3567 [(a)] The Chief State's Attorney shall establish a formal training
3568 program for all newly-appointed prosecuting attorneys consisting of
3569 not less than five days and an ongoing training program for all
3570 prosecuting attorneys consisting of not less than two days each year.
3571 Such training programs shall commence January 1, 1998.

3572 [(b) Not later than November 1, 1997, the Chief State's Attorney
 3573 shall provide a copy of his plan for such training programs to the
 3574 judiciary committee of the General Assembly.]

3575 Sec. 99. Subsection (a) of section 51-344a of the general statutes is
 3576 repealed and the following is substituted in lieu thereof (*Effective*
 3577 *October 1, 2002*):

3578 (a) Whenever the term "judicial district of Hartford-New Britain" or
 3579 "judicial district of Hartford-New Britain at Hartford" is used or
 3580 referred to in the following sections of the general statutes, it shall be
 3581 deemed to mean or refer to the judicial district of Hartford on and after
 3582 September 1, 1998: Sections 1-205, 1-206, 2-48, 3-21a, 3-62d, 3-70a, 3-
 3583 71a, 4-61, 4-160, 4-164, 4-177b, 4-180, 4-183, 4-197, 5-202, 5-276a, 8-30g,
 3584 9-7a, 9-7b, 9-369b, 10-153e, 12-208, 12-237, 12-268l, 12-312, 12-330m, 12-
 3585 405k, 12-422, 12-448, 12-454, 12-456, 12-463, 12-489, 12-522, 12-554, 12-
 3586 565, 12-572, 12-586f, 12-597, 12-730, 13b-34, 13b-235, 13b-315, 13b-375,
 3587 14-57, 14-66, 14-67u, 14-110, 14-195, 14-311, 14-311c, 14-324, 14-331, 15-
 3588 125, 15-126, 16-41, 16a-5, 17b-60, 17b-64, 17b-100, 17b-238, 17b-531, 19a-
 3589 85, 19a-86, 19a-123d, 19a-425, 19a-498, 19a-517, 19a-526, 19a-633, 20-12f,
 3590 20-13e, 20-29, 20-40, 20-45, 20-59, 20-73a, 20-86f, 20-99, 20-114, 20-133,
 3591 20-154, 20-156, 20-162p, 20-192, 20-195p, 20-202, 20-206c, 20-227, 20-238,
 3592 20-247, 20-263, 20-271, 20-307, 20-341f, 20-363, 20-373, 20-404, 20-414,
 3593 21a-55, 21a-190i, 21a-196, 22-7, 22-37, 22-64, 22-195, 22-228, 22-248, 22-
 3594 254, 22-320d, 22-326a, 22-344b, 22-386, 22a-6b, 22a-7, 22a-16, 22a-30,
 3595 22a-34, 22a-53, 22a-60, 22a-62, 22a-63, 22a-66h, 22a-106a, 22a-119, 22a-
 3596 163m, [22a-167,] 22a-180, 22a-182a, 22a-184, 22a-220a, 22a-220d, 22a-
 3597 225, 22a-226, 22a-226c, 22a-227, 22a-250, 22a-255l, 22a-276, 22a-285a,
 3598 22a-285g, 22a-285j, 22a-310, 22a-342a, 22a-344, 22a-361a, 22a-374, 22a-
 3599 376, 22a-408, 22a-430, 22a-432, 22a-438, 22a-449f, 22a-449g, 22a-459, 23-
 3600 5e, 23-65m, 25-32e, 25-36, 28-5, 29-158, 29-161b, 29-317, 29-323, 29-329,
 3601 29-334, 29-340, 29-369, 30-8, 31-109, 31-249b, 31-266, 31-266a, 31-270, 31-
 3602 273, 31-284, 31-285, 31-339, 31-355a, 31-379, 35-3c, 35-42, 36a-186, 36a-
 3603 187, 36a-462, 36a-467, 36a-494, 36a-517, 36a-587, 36a-647, 36a-684, 36a-
 3604 718, 36a-807, 36b-26, 36b-27, 36b-30, 36b-50, 36b-71, 36b-72, 36b-74, 36b-
 3605 76, 38a-41, 38a-52, 38a-134, 38a-139, 38a-140, 38a-147, 38a-150, 38a-185,

3606 38a-209, 38a-225, 38a-226b, 38a-241, 38a-337, 38a-470, 38a-620, 38a-657,
3607 38a-687, 38a-774, 38a-776, 38a-817, 38a-843, 38a-868, 38a-906, 38a-994,
3608 42-103c, 42-110d, 42-110k, 42-110p, 42-182, 46a-5, 46a-56, 46a-100, 47a-
3609 21, 49-73, 51-44a, 51-81b, 51-194, 52-146j, 53-392d and 54-211a.

3610 Sec. 100. Section 53a-39d of the general statutes is repealed and the
3611 following is substituted in lieu thereof (*Effective October 1, 2002*):

3612 (a) Not later than October 1, 1998, the Chief Court Administrator
3613 shall establish a pilot zero-tolerance drug supervision program.
3614 Eligibility for participation in the program shall be limited to (1)
3615 individuals who are eligible to be sentenced by the court to a period of
3616 probation, pursuant to section 53a-29, as amended, and have been
3617 ordered by the court, as a condition of such probation, to participate in
3618 the program, (2) individuals who are eligible to be released on bail
3619 under section 54-63d or 54-64a, as amended, and have been required
3620 by the bail commissioner or the court, as a condition of release, to
3621 participate in the program, (3) individuals who have been sentenced to
3622 a period of probation and, in the judgment of their probation officers,
3623 have violated the conditions of such probation and been referred to the
3624 program by their probation officers pursuant to subsection (a) of
3625 section 53a-32, and (4) individuals who have been ordered by the
3626 court, as a condition of probation, to participate in the program
3627 pursuant to subsection (d) of section 54-56e or subsection (b) of section
3628 54-76j and shall be based upon criteria, including a limit on the
3629 maximum number of eligible participants, established by the Chief
3630 Court Administrator.

3631 (b) Any person entering such program shall, as a condition of
3632 participating in such program, agree to: (1) Submit to periodic
3633 urinalysis drug tests, (2) detention in a halfway house facility for a
3634 period of two days each time such test produces a positive result, (3)
3635 comply with all rules established by the halfway house if detained in
3636 such facility, and (4) waive the right to a hearing.

3637 (c) Participants in the zero-tolerance drug supervision program shall

3638 submit to periodic urinalysis drug tests. If the test produces a positive
3639 result, the participant shall be detained in a halfway house facility for a
3640 period of two days.

3641 (d) Any person who has submitted to a urinalysis drug test
3642 pursuant to subsection (c) of this section that produced a positive
3643 result may request that a second urinalysis drug test be administered,
3644 at such person's expense, to confirm the results of the first test, except
3645 that if the participant is determined to be indigent, based upon
3646 financial affidavits, the Judicial Department shall pay the cost of the
3647 test. The second drug test shall be a urinalysis drug test, separate and
3648 independent of the initial test. The participant shall be detained in a
3649 halfway house pending the results of the second test. If such second
3650 test does not produce a positive result, the participant, if detained in a
3651 halfway house, shall be released and the fee, if paid by the participant,
3652 shall be refunded to the participant.

3653 (e) A participant enrolled in the zero-tolerance drug supervision
3654 program as a condition of probation may be charged with a violation
3655 of probation, if the participant's probation officer determines that the
3656 participant has violated the conditions of probation or the conditions
3657 of the program. A participant enrolled in the zero-tolerance drug
3658 supervision program as a condition of release may be charged with a
3659 violation of the conditions of such person's release, if a bail
3660 commissioner determines that the participant has violated the
3661 conditions of such person's release or the conditions of the program.

3662 [(f) Not later than January 1, 2000, the chairman of the Board of
3663 Parole, the Commissioner of Correction and the Chief Court
3664 Administrator shall submit a report on the pilot zero-tolerance drug
3665 supervision program to the joint standing committee of the General
3666 Assembly having cognizance of matters relating to criminal justice.]

3667 Sec. 101. Subsection (m) of section 54-56d of the general statutes is
3668 repealed and the following is substituted in lieu thereof (*Effective*
3669 *October 1, 2002*):

(m) If at any time the court determines that there is not a substantial probability that the defendant will attain competency within the period of treatment allowed by this section, or if at the end of that period the court finds that the defendant is still not competent, the court shall either release the defendant from custody or order the defendant placed in the custody of the Commissioner of Mental Health and Addiction Services, the Commissioner of Children and Families or the Commissioner of Mental Retardation. The commissioner given custody or [his] the commissioner's designee shall then apply for civil commitment according to sections 17a-75 to 17a-83, inclusive, 17a-270 to [17a-283] 17a-282, inclusive, and 17a-495 to 17a-528, inclusive. The court shall hear arguments as to whether the defendant should be released or should be placed in the custody of the Commissioner of Mental Health and Addiction Services, the Commissioner of Children and Families or the Commissioner of Mental Retardation. If the court orders the release of a defendant charged with the commission of a crime that resulted in the death or serious physical injury, as defined in section 53a-3, of another person, it may, on its own motion or on motion of the prosecuting authority, order, as a condition of such release, periodic examinations of the defendant as to [his] the defendant's competency. Such an examination shall be conducted in accordance with subsection (d) of this section. Upon receipt of the written report as provided in said subsection (d) the court shall, upon the request of either party filed not later than thirty days after the court receives such report, conduct a hearing as provided in subsection (e) of this section. Such hearing shall be held not later than ninety days after the court receives such report. If the court finds that the defendant has attained competency, [he] the defendant shall be returned to the custody of the Commissioner of Correction or released, if [he] the defendant has met the conditions for release, and the court shall continue with the criminal proceedings. Periodic examinations ordered by the court under this subsection shall continue until the court finds that the defendant has attained competency or until the time within which the defendant may be prosecuted for the crime with which [he] the defendant is charged, as provided in section 54-193 or 54-193a, has

3705 expired, whichever occurs first. The court shall dismiss, with or
3706 without prejudice, any charges for which a nolle prosequi is not
3707 entered when the time within which the defendant may be prosecuted
3708 for the crime with which [he] the defendant is charged, as provided in
3709 section 54-193 or 54-193a, has expired. Notwithstanding the erasure
3710 provisions of section 54-142a, police and court records and records of
3711 any state's attorney pertaining to a charge which is nolleed or dismissed
3712 without prejudice while the defendant is not competent shall not be
3713 erased until the time for the prosecution of the defendant expires
3714 under section 54-193 or 54-193a. A defendant who is not civilly
3715 committed as a result of an application made by the Commissioner of
3716 Mental Health and Addiction Services, the Commissioner of Children
3717 and Families or the Commissioner of Mental Retardation pursuant to
3718 this section shall be released. A defendant who is civilly committed
3719 pursuant to such an application shall be treated in the same manner as
3720 any other civilly committed person.

3721 Sec. 102. Section 54-125f of the general statutes is repealed and the
3722 following is substituted in lieu thereof (*Effective October 1, 2002*):

3723 (a) Not later than October 1, 1998, the chairman of the Board of
3724 Parole, shall establish a pilot zero-tolerance drug supervision program.
3725 Eligibility for participation in the program shall be limited to
3726 individuals who are eligible for release on parole and shall be based
3727 upon criteria, including a limit on the maximum number of eligible
3728 participants, established by the chairman of the Board of Parole.

3729 (b) Any person entering such program shall, as a condition of
3730 participating in such program, agree to: (1) Submit to periodic
3731 urinalysis drug tests, (2) detention in a halfway house facility for a
3732 period of two days each time such test produces a positive result, and
3733 (3) comply with all rules established by the halfway house if detained
3734 in such facility.

3735 (c) Participants in the zero-tolerance drug supervision program shall
3736 submit to periodic urinalysis drug tests. If the test produces a positive

3737 result, the participant may be detained in a halfway house facility for a
3738 period of two days.

3739 (d) Any person who has submitted to a urinalysis drug test
3740 pursuant to subsection (c) of this section that produced a positive
3741 result may request that a second urinalysis drug test be administered,
3742 at such person's expense, to confirm the results of the first test, except
3743 that if the participant is determined to be indigent, based upon
3744 financial affidavits, the Board of Parole shall pay the cost of the test.
3745 The second drug test shall be a urinalysis drug test, separate and
3746 independent of the initial test. The participant may be detained in a
3747 halfway house pending the results of the second test. If such second
3748 test does not produce a positive result, the participant, if detained in a
3749 halfway house, shall be released and the fee, if paid by the participant,
3750 shall be refunded to the participant.

3751 (e) If at any time during participation in the zero-tolerance drug
3752 supervision program, the chairman of the Board of Parole determines
3753 that the public safety will be served by the incarceration of a
3754 participant, such participant may be returned to a correctional facility.

3755 [(f) Not later than January 1, 2000, the chairman of the Board of
3756 Parole, the Commissioner of Correction and the Chief Court
3757 Administrator shall submit a report on the pilot zero-tolerance drug
3758 supervision program to the joint standing committee of the General
3759 Assembly having cognizance of matters relating to criminal justice.]

3760 Sec. 103. Section 54-250 of the general statutes, as amended by
3761 section 22 of public act 01-84, is repealed and the following is
3762 substituted in lieu thereof (*Effective October 1, 2002*):

3763 For the purposes of sections 54-102g and 54-250 to [54-259] 54-258a,
3764 inclusive, as amended by this act:

3765 (1) "Conviction" means a judgment entered by a court upon a plea of
3766 guilty, a plea of nolo contendere or a finding of guilty by a jury or the
3767 court notwithstanding any pending appeal or habeas corpus

3768 proceeding arising from such judgment.

3769 (2) "Criminal offense against a victim who is a minor" means (A) a
3770 violation of subdivision (2) of section 53-21 of the general statutes in
3771 effect prior to October 1, 2000, subdivision (2) of subsection (a) of
3772 section 53-21, subdivision (2) of subsection (a) of section 53a-70,
3773 subdivision (1), (4) or (8) of subsection (a) of section 53a-71,
3774 subdivision (2) of subsection (a) of section 53a-72a, subdivision (2) of
3775 subsection (a) of section 53a-86, subdivision (2) of subsection (a) of
3776 section 53a-87, section 53a-196a, 53a-196b, 53a-196c or 53a-196d, (B) a
3777 violation of section 53a-92, 53a-92a, 53a-94, 53a-94a, 53a-95, 53a-96 or
3778 53a-186, provided the court makes a finding that, at the time of the
3779 offense, the victim was under eighteen years of age, (C) a violation of
3780 any of the offenses specified in subparagraph (A) or (B) of this
3781 subdivision for which a person is criminally liable under section 53a-8,
3782 53a-48 or 53a-49, or (D) a violation of any predecessor statute to any
3783 offense specified in subparagraph (A), (B) or (C) of this subdivision the
3784 essential elements of which are substantially the same as said offense.

3785 (3) "Identifying factors" means fingerprints, a photographic image,
3786 and a description of any other identifying characteristics as may be
3787 required by the Commissioner of Public Safety. The commissioner
3788 shall also require a sample of the registrant's blood taken for DNA
3789 (deoxyribonucleic acid) analysis, unless such sample has been
3790 previously obtained in accordance with section 54-102g.

3791 (4) "Mental abnormality" means a congenital or acquired condition
3792 of a person that affects the emotional or volitional capacity of the
3793 person in a manner that predisposes that person to the commission of
3794 criminal sexual acts to a degree that makes the person a menace to the
3795 health and safety of other persons.

3796 (5) "Nonviolent sexual offense" means a violation of section 53a-73a.

3797 (6) "Not guilty by reason of mental disease or defect" means a
3798 finding by a court or jury of not guilty by reason of mental disease or
3799 defect pursuant to section 53a-13 notwithstanding any pending appeal

3800 or habeas corpus proceeding arising from such finding.

3801 (7) "Personality disorder" means a condition as defined in the most
3802 recent edition of the Diagnostic and Statistical Manual of Mental
3803 Disorders, published by the American Psychiatric Association.

3804 (8) "Registrant" means a person required to register under section
3805 54-251, 54-252, 54-253 or 54-254, as amended by this act.

3806 (9) "Registry" means a central record system in this state, any other
3807 state or the federal government that receives, maintains and
3808 disseminates information on persons convicted or found not guilty by
3809 reason of mental disease or defect of criminal offenses against victims
3810 who are minors, nonviolent sexual offenses, sexually violent offenses
3811 and felonies found by the sentencing court to have been committed for
3812 a sexual purpose.

3813 (10) "Release into the community" means, with respect to a
3814 conviction or a finding of not guilty by reason of mental disease or
3815 defect of a criminal offense against a victim who is a minor, a
3816 nonviolent sexual offense, a sexually violent offense or a felony found
3817 by the sentencing court to have been committed for a sexual purpose,
3818 (A) any release by a court after such conviction or finding of not guilty
3819 by reason of mental disease or defect, a sentence of probation or any
3820 other sentence under section 53a-28 that does not result in the
3821 offender's immediate placement in the custody of the Commissioner of
3822 Correction; (B) release from a correctional facility at the discretion of
3823 the Board of Parole, by the Department of Correction to a program
3824 authorized by section 18-100c or upon completion of the maximum
3825 term or terms of the offender's sentence or sentences, or to the
3826 supervision of the Office of Adult Probation in accordance with the
3827 terms of the offender's sentence; or (C) release from a hospital for
3828 mental illness or a facility for persons with mental retardation by the
3829 Psychiatric Security Review Board on conditional release pursuant to
3830 section 17a-588 or upon termination of commitment to the Psychiatric
3831 Security Review Board.

3832 (11) "Sexually violent offense" means (A) a violation of section
3833 53a-70, except subdivision (2) of subsection (a) of said section, 53a-70a,
3834 53a-70b, 53a-71, except subdivision (1), (4) or (8) of subsection (a) of
3835 said section, 53a-72a, except subdivision (2) of subsection (a) of said
3836 section, or 53a-72b, or of section 53a-92 or 53a-92a, provided the court
3837 makes a finding that the offense was committed with intent to sexually
3838 violate or abuse the victim, (B) a violation of any of the offenses
3839 specified in subparagraph (A) of this subdivision for which a person is
3840 criminally liable under section 53a-8, 53a-48 or 53a-49, or (C) a
3841 violation of any predecessor statute to any of the offenses specified in
3842 subparagraph (A) or (B) of this subdivision the essential elements of
3843 which are substantially the same as said offense.

3844 (12) "Sexual purpose" means that a purpose of the defendant in
3845 committing the felony was to engage in sexual contact or sexual
3846 intercourse with another person without that person's consent. A
3847 sexual purpose need not be the sole purpose of the commission of the
3848 felony. The sexual purpose may arise at any time in the course of the
3849 commission of the felony.

3850 Sec. 104. Subsection (b) of section 54-252 of the general statutes is
3851 repealed and the following is substituted in lieu thereof (*Effective*
3852 *October 1, 2002*):

3853 (b) Any person who has been subject to the registration
3854 requirements of section 54-102r of the general statutes, revised to
3855 January 1, 1997, as amended by section 1 of public act 97-183, shall, not
3856 later than three working days after October 1, 1998, register under this
3857 section and thereafter comply with the provisions of sections 54-102g
3858 and 54-250 to [54-259] 54-258a, inclusive, as amended by this act.

3859 Sec. 105. Subsection (c) of section 54-255 of the general statutes, as
3860 amended by section 2 of public act 01-211, is repealed and the
3861 following is substituted in lieu thereof (*Effective October 1, 2002*):

3862 (c) Any person who: (1) Has been convicted or found not guilty by
3863 reason of mental disease or defect of a violation of subdivision (1) of

3864 subsection (a) of section 53a-71 between October 1, 1988, and June 30,
3865 1999, and was under nineteen years of age at the time of the offense; (2)
3866 has been convicted or found not guilty by reason of mental disease or
3867 defect of a violation of subdivision (2) of subsection (a) of section 53a-
3868 73a between October 1, 1988, and June 30, 1999; (3) has been convicted
3869 or found not guilty by reason of mental disease or defect of a criminal
3870 offense against a victim who is a minor, a nonviolent sexual offense or
3871 a sexually violent offense, between October 1, 1988, and June 30, 1999,
3872 where the victim of such offense was, at the time of the offense, under
3873 eighteen years of age and related to such person within any of the
3874 degrees of kindred specified in section 46b-21; (4) has been convicted
3875 or found not guilty by reason of mental disease or defect of a violation
3876 of section 53a-70b between October 1, 1988, and June 30, 1999; or (5)
3877 has been convicted or found not guilty by reason of mental disease or
3878 defect of any crime between October 1, 1988, and September 30, 1998,
3879 which requires registration under sections 54-250 to [54-259] 54-258a,
3880 inclusive, and (A) served no jail or prison time as a result of such
3881 conviction or finding of not guilty by reason of mental disease or
3882 defect, (B) has not been subsequently convicted or found not guilty by
3883 reason of mental disease or defect of any crime which would require
3884 registration under sections 54-250 to [54-259] 54-258a, inclusive, and
3885 (C) has registered with the Department of Public Safety in accordance
3886 with sections 54-250 to [54-259] 54-258a, inclusive; may petition the
3887 court to order the Department of Public Safety to restrict the
3888 dissemination of the registration information to law enforcement
3889 purposes only and to not make such information available for public
3890 access. Any person who files such a petition shall, pursuant to
3891 subsection (b) of section 54-227, notify the Office of Victim Services
3892 and the Department of Correction of the filing of such petition. The
3893 Office of Victim Services or the Department of Correction, or both,
3894 shall, pursuant to section 54-230 or section 6 of [this act] public act 01-
3895 211, notify any victim who has requested notification pursuant to
3896 subsection (b) of section 54-228 of the filing of such petition. Prior to
3897 granting or denying such petition, the court shall consider any
3898 information or statements provided by the victim. The court may order

3899 the Department of Public Safety to restrict the dissemination of the
3900 registration information to law enforcement purposes only and to not
3901 make such information available for public access, provided the court
3902 finds that dissemination of the registration information is not required
3903 for public safety.

3904 Sec. 106. Section 54-256 of the general statutes is repealed and the
3905 following is substituted in lieu thereof (*Effective October 1, 2002*):

3906 Any court, the Commissioner of Correction or the Psychiatric
3907 Security Review Board, prior to releasing into the community any
3908 person convicted or found not guilty by reason of mental disease or
3909 defect of a criminal offense against a victim who is a minor, a
3910 nonviolent sexual offense, a sexually violent offense or a felony found
3911 by the sentencing court to have been committed for a sexual purpose,
3912 except a person being released unconditionally at the conclusion of
3913 such person's sentence or commitment, shall require as a condition of
3914 such release that such person complete the registration procedure
3915 established by the Commissioner of Public Safety under sections
3916 54-251, 54-252 and 54-254. The court, the Commissioner of Correction
3917 or the Psychiatric Security Review Board, as the case may be, shall
3918 provide the person with a written summary of the person's obligations
3919 under sections 54-102g and 54-250 to [54-259] 54-258a, inclusive, and
3920 transmit the completed registration package to the Commissioner of
3921 Public Safety who shall enter the information into the registry
3922 established under section 54-257. If a court transmits the completed
3923 registration package to the Commissioner of Public Safety with respect
3924 to a person released by the court, such package need not include
3925 identifying factors for such person. In the case of a person being
3926 released unconditionally who declines to complete the registration
3927 package through the court or the releasing agency, the court or agency
3928 shall: (1) Except with respect to information that is not available to the
3929 public pursuant to court order, rule of court or any provision of the
3930 general statutes, provide to the Commissioner of Public Safety the
3931 person's name, date of release into the community, anticipated
3932 residence address, if known, criminal history record, any known

3933 treatment history and any other relevant information; (2) inform the
3934 person that such person has an obligation to register within three days
3935 with the Commissioner of Public Safety for a period of ten years
3936 following the date of such person's release or for life, as the case may
3937 be, and that if such person changes such person's address such person
3938 shall within five days register the new address in writing with the
3939 Commissioner of Public Safety and, if the new address is in another
3940 state or if such person regularly travels into or within another state or
3941 temporarily resides in another state for purposes including, but not
3942 limited to employment or schooling, such person shall also register
3943 with an appropriate agency in that state, provided that state has a
3944 registration requirement for such offenders; (3) provide the person
3945 with a written summary of the person's obligations under sections
3946 54-102g and 54-250 to [54-259] 54-258a, inclusive, as amended by this
3947 act, as explained to the person under subdivision (2) of this section;
3948 and (4) make a specific notation on the record maintained by that
3949 agency with respect to such person that the registration requirements
3950 were explained to such person and that such person was provided
3951 with a written summary of such person's obligations under sections
3952 54-102g and 54-250 to [54-259] 54-258a, inclusive, as amended by this
3953 act.

3954 Sec. 107. Subdivision (3) of subsection (a) of section 54-258 of the
3955 general statutes is repealed and the following is substituted in lieu
3956 thereof (*Effective October 1, 2002*):

3957 (3) Notwithstanding the provisions of subdivisions (1) and (2) of
3958 this subsection, state agencies, the Judicial Department, state police
3959 troops and local police departments shall not disclose the identity of
3960 any victim of a crime committed by a registrant or treatment
3961 information provided to the registry pursuant to sections 54-102g and
3962 54-250 to [54-259] 54-258a, inclusive, except to government agencies for
3963 bona fide law enforcement or security purposes.

3964 Sec. 108. (*Effective October 1, 2002*) Sections 1-10, 4b-32, 4d-16, 7-18, 7-
3965 104, 7-439e, 8-97, 8-265v, 9-322, 13a-175h, 13a-175ee, 13b-206, 13b-224,

3966 13b-286, 13b-347, 13b-368, 16-254, 17a-283, 17a-754, 17b-133, 17b-344,
 3967 19a-1c, as amended, 19a-104, 19a-108, 19a-492, as amended, 19a-639d,
 3968 19a-656, 19a-657, 19a-658, 19a-664, 19a-665, 19a-666, 19a-676a, 21a-31,
 3969 22-123, 22a-167, 22a-219, 22a-224, 22a-356, 23-61d, 25-32h, 25-37f, 25-
 3970 39b, 25-49, 25-54, 26-55a, 26-221, 26-222, 26-234, 26-267, 26-269, 27-140g,
 3971 29-389, 31-34, 32-101, 38a-286, 44-3, 53-212a, 53-301, 53-313, 53-314, 53-
 3972 315, 53-316 and 54-259 of the general statutes are repealed.

This act shall take effect as follows:	
Section 1	<i>October 1, 2002</i>
Sec. 2	<i>October 1, 2002</i>
Sec. 3	<i>October 1, 2002</i>
Sec. 4	<i>October 1, 2002</i>
Sec. 5	<i>October 1, 2002</i>
Sec. 6	<i>October 1, 2002</i>
Sec. 7	<i>October 1, 2002</i>
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Sec. 9	<i>October 1, 2002</i>
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Sec. 107	<i>October 1, 2002</i>
Sec. 108	<i>October 1, 2002</i>

JUD *Joint Favorable Subst.*

